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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**901 CIVIL APPLICATION NO. 6630 OF 2024
IN FAST/5182/2022**

SURYABHAN GOVINDRAO GOLAWAR

....Applicant

VERSUS

**THE STATE OF MAHARASHTRA THROUGH, THE COLLECTOR,
LATUR AND OTHERS**

.....Respondents

Mr. V. D. Gunale, Advocate for the applicant

Mr. A. M. Phule, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 12th JULY, 2024

P. C.

1. Heard.
2. This application is for withdrawal of amount.
3. Since all the respondents are represented by learned AGP, the application is heard to this extent.
4. By way of application, the applicant has prayed for

withdrawal of the amount deposited in this court towards compensation of land pursuant to the impugned judgment and award passed by the learned CJSD, Latur in LAR No. 131/2007 dated 14-10-2016. The amount deposited is 75% of the amount directed by the learned reference court. Rate awarded by the learned court is Rs.36/- per sq. fts.

5. Leaned AGP vehemently opposed the application stating that there are substantial grounds involved in the appeal. If the amount is disbursed, it would be difficult to recover the said amount, in case the appeal is allowed. Learned SLAO had granted rate of Rs. 1,900/- per R which is enhanced to Rs.36/- per Sq. fts.

6. Considering that rate is of Rs.36/- per Sq. Fts, for the land acquired in 2004, this court does not find that the rate is exorbitant. It would not be in the interest of justice to keep the amount lying in this court when already there is enhancement granted by the court. Hence, the following order:-

ORDER

a] The applicant is permitted to withdraw 50% of the amount deposited in this court alongwith accrued interest by furnishing usual undertaking. Further 25% of the amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court.

b] With this, application stands disposed off.

[KISHORE C. SANT, J.]