



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

**34 CIVIL APPLICATION NO. 5970 OF 2024
IN FA/1248/2021**

Kondiba Kerba Badulge Thr Vitthal Kondiba Badulge

VERSUS

The State Of Maharashtra Through District Collector Latur And Ors

...

Advocate for Applicant : Mr. H. B. Nandagavale

AGP for Respondents: Mr. G.O. Wattamwar

...

CORAM : KISHORE C. SANT, J.

Dated : June 24, 2024

PER COURT :-

1. Heard the learned advocates for the parties.
2. The application is moved for withdrawal of amount deposited by the appellant/Acquiring Body in this Court. Applicants are the original claimants.
3. The learned AGP vehemently opposes the application. He submits that the learned SLAO has awarded the compensation at the rate of Rs.1050/- per R. whereas the Reference Court enhanced the rate to be of Rs.5512.50 ps. per R. The sale instances which are considered are also not from the village from which the land is acquired i.e. Vanjarwada, but are from the different villages. One land is from Taluka place namely Jalkot, that was in respect of 92 R. land and another sale deed that was considered was from village Jamb, that was in respect of 10 R. land, which happens to be a market place and therefore, the Court has accepted the sale instance of 10 R. from village Jam, which is not comparable as the village from which the land is acquired is neither the market place nor from village Vanjarwada.
4. Considering the above position, this Court finds that so far as withdrawal of amount is concerned, it would be proper to allow the

applicants to withdraw 80% of the amount deposited in this Court on usual undertaking that in case, the appeal is allowed, the applicant shall re-deposit the said amount in this Court within twelve weeks thereafter.

5. The application is allowed and disposed of accordingly.

(KISHORE C. SANT, J.)