



(1)

121ca7965.24

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

**121 CIVIL APPLICATION NO. 7965 OF 2024
IN FA/1267/2021**

**RADHABAI @ RAMBHABAI BHARATSING CHHAPULE AND ORS
....Applicants**

VERSUS

**THE LAND ACQUISITION OFFICER, AURANGABAD AND ANR
.....Respondents**

Mr. D. A. Bide, Advocate h/f Mr. V. B. Wayal, Advocate for the
applicants

Mr. K. B. Jadhavar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 12th SEPTEMBER, 2024

P. C.

1. Heard.

2. This application is for withdrawal of the amount deposited in this court by the acquiring body towards the compensation of the amount.

3. Total land 1-H 78-R came to be acquired by the appellant. SLAO has granted rate @ Rs.740/- per R and the

same is enhanced to Rs.2980/- by the learned court. The learned court has further enhanced amount towards trees standing in the land.

4. Learned advocate for the applicants, therefore, submits that the amount of compensation for the land is only four times of the rate awarded by the SLAO. So far as trees are concerned, he submits that there is reference even in the joint measurement of the land as well as in the reference & there is no dispute about the fact that there was crops like sugarcane in the land. Land is irrigated land. He thus, prays for permission to withdraw the entire amount.

5. The learned AGP vehemently opposed the application stating that about the trees, award is on much higher side. The SLAO has rightly considered by considering the sale instances etc.

6. Considering the above, this court is inclined to allow

the application. Hence, following order:

ORDER

a] The applicants are entitled to withdraw 75% of the amount alongwith accrued interest on giving usual undertaking that in case, the appeal is allowed, the applicants shall re-deposit the said amount alongwith interest within twelve weeks thereafter in the office of this court. Remaining amount be kept in a fixed deposit in any nationalized bank to be renewed from time to time till pending the appeal.

b] With this, application stands disposed off.

[KISHORE C. SANT, J.]