



pe

(1)

20-CA-13343-2024

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

**20 CIVIL APPLICATION NO. 13343 OF 2024
IN FA/2944/2022**

Raghunath @ Raghuram Vithoba Bhosale Died Thr Lrs Gulab Raghuram
Bhosale And Ors

VERSUS

The State Of Maharashtra Through Collector, Osmanabad

WITH

FIRST APPEAL NO. 2943 OF 2022

WITH

FIRST APPEAL NO. 2945 OF 2022

WITH

CIVIL APPLICATION NO. 7951 OF 2024

IN FA/2946/2022

...

Mr. Nilkanth R. Pawde h/f Mr. L. C. Patil, Advocate for Applicant.

Mr. K. B. Jadhavar, AGP for Respondent-State.

Mr. Avishakar S. Shelke for Respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 16th DECEMBER 2024

PC :-

1. Heard the learned Counsel for the parties.
2. This application is for withdrawal of the amount of compensation deposited in this Court. The learned Advocate for the applicants relied upon the order passed by this Court in Civil Application No.2077 of 2024 in First Appeal No.2945 of 2022 dated 19th June 2024. In the said

case arising out of the same acquisition proceedings, this Court allowed the applicant to withdraw 50% of the amount by giving usual undertaking and 25% of the amount by furnishing solvent surety/security. He further submits that the amount deposited in this Court is deposited by taking into consideration the interest only from the date of award and not from the date of possession and as it is the entire amount is not deposited. He thus prays for similar order.

3. The learned Advocate Mr. Shelke appearing for the Acquiring Body-Respondent No.2 opposes the application. He submits that the trial Court has granted interest from the date of possession i.e. 20th January 1997 whereas the award was passed by the Special Land Acquisition Officer (for short "SLAO") on 24th March 2003 i.e. after six years. The rate awarded by the SLAO of Rs.285 per R and same is enhanced to Rs.2250 per R by the reference Court. The enhancement is exorbitant. The Court has wrongly taken the land as *bagayat* land. The compensation awarded for tamarind, mango and ber trees is more than double amount of the land value which is also exorbitant. He points out that the order in Civil Application No.2077 of 2024, this Court has

categorically observed that the order passed in that civil application shall not decide the fate of other applications.

4. This Court has gone through the judgment. It is seen that the compensation awarded for fruit bearing trees of Rs.12,79,000/- and Rs.2,04,320/- for the sandal trees whereas the land the amount granted is only Rs. 5,26,500/-.

5. Considering the above, following order.

6. Application is partly allowed.

7. The applicants are permitted to withdraw 40% of the amount deposited in this Court alongwith accrued interest on furnishing usual undertaking.

8. 35% of the amount alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

9. Remaining amount be deposited in Fixed Deposit in any nationalized bank till final disposal of the appeal.

10. With this, application stands disposed off.

[KISHORE C. SANT, J.]