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26-CA-11796-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 CIVIL APPLICATION NO. 11796 OF 2024
IN FAST/25430/2023

Bharat Babasaheb Sable And Anr

VERSUS

The State Of Maharashtra Through Special Land Acquisition Officer Jp
Aurangabad And Anr

WITH

CIVIL APPLICATION NO. 10733 OF 2023
IN FAST/25430/2023

The Executive Engineer, Area Development Division

VERSUS

The State Of Maharashtra And Ors

WITH

CIVIL APPLICATION NO. 10734 OF 2023
IN FAST/25430/2023

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Adv Maya Ramrao Jamdhade, Adv Maya Ramrao Jamdhade, Advocate for
Applicant.

Mr. V. D. Patnurkar Advocate for Respondent No.1.

Ms. Maya R. Jamdhade for Respondent No.2.

Smt. D. S. Jape, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 2nd DECEMBER 2024

PC :-

CIVIL APPLICATION FOR DELAY

1. Heard. For the reasons stated in the application, delay stands condoned.
Application is allowed.
2. Office to register the appeal.

CIVIL APPLICATION FOR WITHDRAWAL

1. Heard the learned Advocate for the parties.
2. This application is for withdrawal of the amount. The application is vehemently opposed by the learned Advocate Mr.Patnurkar. He submits that the learned Special Land Acquisition Officer had granted compensation at the rate of Rs.1,522/- per R. and the same is enhanced to Rs.12,000/- per R. The enhancement is thus more than 8 to 9 times. There is sufficient evidence to show the market value of the land was disturbed. He submits that if the amount is withdrawn, it would be difficult to recover the said amount. However, considering that even four times amount would come to Rs.6,000/- per R. This Court is passing the following order:-

ORDER

- (i) Application is partly allowed.
3. The applicant is permitted to withdraw 50% of the amount alongwith accrued interest on furnishing usual undertaking.
4. Further 25% of the amount alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
5. The remaining amount be deposited in Fixed Deposit in any

nationalized bank till final disposal of the appeal.

6. With this, application stands allowed and disposed off.

CIVIL APPLICATION FOR STAY

1. Heard. Since the amount is already deposited in the office of this Court, in view of the same, there shall be stay to the impugned judgment and award till the final disposal of the appeal.
2. Application stands disposed off.

FIRST APPEAL

1. Issue notice to the Respondents, returnable on 10th February 2025.
2. Learned AGP waives service of notice for Respondent No.1.
3. Learned Advocate Smt. Jamdhade waives for Respondent No.2.

[KISHORE C. SANT, J.]

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