



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 CIVIL APPLICATION NO. 11405 OF 2024
IN FA/2338/2023
WITH
CIVIL APPLICATION NO. 11406 OF 2024
IN FA/2339/2023
WITH
CIVIL APPLICATION NO. 3659 OF 2020
IN FA/2338/2023

ATMARAM DINANATH KHOTE (DIED) THR. LRS. INDRABAI
AND ORS
VERSUS
THE G. M. I. DEV. COR. LTD. AURANGABD THR. THE EX.
DIRECTOR AND THE EX. ENGINEER I.P.DIV. BEED

...
Advocate for Applicant : Mr. Mahesh P. Kale and Mr.P. N. Muly
Advocate for Respondent No. 1 : Mr. Anand Chawre
...

CORAM : KISHORE C. SANT, J.

DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. Heard the parties.
2. These applications are filed for withdrawal of the

amount deposited by the Acquiring Body in the office of this Court. The applications are vehemently opposed by Mr. Chaware learned Advocate for the Acquiring Body. He submits that the land is acquired by giving rate of Rs. 610/- per R and 810/- per R for jirayat land and irrigated land respectively by the learned SLAO. The learned reference Court has increased the same by Rs. 6,000/- per R and Rs. 10,000/- per R for Jirayat land and Irrigated land respectively. He thus submits that the enhancement is more than 10 to 12 times of the rates awarded by the learned SLAO.

3. In the present case the learned Advocate Mr. Kale for the applicants submits that these rates need to be considered in view of the fact that the lands are acquired in the year 2006. This Court finds that prima-facie the amount cannot be said to be exorbitant, in view of the same this court inclined to pass the following order :

ORDER

- (i) The applicants are are permitted to withdraw 50% of the amount deposited in the office of this Court along with accrued interest as per the award on furnishing usual undertaking.

(ii) Further 25% of the amount deposited alongwith accrued interest is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.

(iii) Remaining 25% of the amount alongwith interest, is permitted be deposited in Fixed Deposits, in any nationalized bank, to be renewed from time to time till disposal of the appeal.

(iv) With this the Civil Applications stand disposed off.

FIRST APPEAL

1. Heard.
2. **Admit.**
3. Call R & P.

**(KISHORE C. SANT)
JUDGE**

mahajansb/