



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION [CAF] NO.1455/2024 IN CIVIL APPLICATION [CAF]
NO.3121/2023 IN FIRST APPEAL ST. NO. 18597/2023.

The Deputy Chief Engineer, Central Railway.-**VERSUS**- Smt.Jagdamba Devi and others.

CIVIL APPLICATION [CAF] NO.1453/2024 IN CIVIL APPLICATION [CAF]
NO.1000/2024 IN FIRST APPEAL ST. NO. 6403/2024.

The Deputy Chief Engineer, Central Railway.-**VERSUS**- Pramod Jagdish Tiwari and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri N.P. Lambat, Advocate for Applicant/Appellant.
Shri M.M. Agnihotri, K. Pathan, A.P.P. for Applicants/Non-
applicants/Claimants.
Ms M.H. Deshmukh, A.G.P. for Non-applicant /State.

CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.

DATE : SEPTEMBER 23, 2024.

Heard.

2. Both applications are filed by claimants seeking permission to withdraw the amount of compensation, which has been deposited by the acquiring body in view of the award passed by the Competent Authority under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Corrected as per
Courts order dated
07.10.2024.

3. Initially the Land Acquisition Officer has awarded compensation @ Rs.10,30,000/- per hector. According to claimants, the compensation should have been granted @ Rs.30,000/- per square meter. Having regard to the evidence, coupled with the documents, the Appellate Tribunal has fixed the compensation @ Rs.2,100/- per sq. meter.

4. The learned Counsel for claimants apart from merit, would submit that appeals are not maintainable, since the provision for condonation of delay would not apply.

5. Having regard to the nature of evidence and after going through the impugned judgment, we deem it appropriate to permit the claimants to withdraw 50% of the amount with accrued interest, on usual undertaking and next 25% amount along with accrued interest, if any, on furnishing solvent surety or bank guarantee in the like amount on usual terms and conditions.

6. Civil Applications are accordingly allowed and disposed of.

JUDGE

JUDGE