

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

17 CIVIL APPLICATION NO.13500 OF 2024
IN FA/2705/2019

Shailendra Irappa Mitkari

Versus

The State Of Maharashtra, Through Collector, Osmanabad

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Shri. N.P. Patil - Jamalpurkar, Advocate for the Applicant

Shri. R. B. Dhaware, AGP for the Respondent / State.

Shri. A. M. Gaikwad, Advocate for Respondent No.3

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CORAM : NEERAJ P. DHOTE, J.

Dated : MAY 05, 2025

PER COURT :-

. The Appeal has been preferred by the Acquiring Body against the Judgment and Award dated 27.04.2015 passed by the learned Jt. Civil Judge Senior Division, Omerga in LAR No.121/2011, seeking enhancement of the compensation amount under the Land Acquisition Act.

2. This is the Application by the Applicant / Claimant for withdrawal of the amount deposited by the Acquiring Body before the learned Reference Court.

3. The learned Advocate for the Applicant / Claimant submits that in connected matters arising out of the same acquisition proceedings, this Court by order dated 24.09.2021 in Civil Application No.10060 of 2021 in First Appeal No.2826 of 2019 has permitted the Claimants therein to withdraw 60% amount on furnishing usual undertaking. He submits that similar order be passed in this Application.

4. The learned Advocate for the Acquiring Body submits that as per his instructions, the Acquiring Body has deposited the amount before the learned Reference Court. He submits that the compensation awarded by the learned Reference Court is 25 times of the compensation amount awarded by the Special Land Acquisition Officer. He does not dispute the aforesaid aspect that similarly placed Claimants were permitted to withdraw 60% amount on furnishing usual undertaking.

5. On hearing both the sides and considering the aspect that the enhancement made by the learned Reference Court is 25 times of the Award passed by the SLAO, in my view, it would be appropriate to permit the Applicant to withdraw 50% amount out of the amount deposited by the Acquiring Body, out of which 25% along with interest accrued thereon is permitted to be withdrawn on furnishing usual undertaking to the satisfaction of the learned Reference Court and remaining 25% along with interest accrued thereon on furnishing solvent security / surety / Bank Guarantee to the satisfaction of the learned Reference Court. Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP