

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1501 of 2016
WITH
INTERIM APPLICATION NO. 980 OF 2022
IN
FIRST APPEAL NO. 1501 OF 2016

The State of Maharashtra through the .. Appellants
Special Land Acquisition Officer & Anr

Versus

Dattatraya Ramchandra and ors .. Respondents

WITH

FIRST APPEAL NO.1502 of 2016
WITH
INTERIM APPLICATION NO. 981 OF 2022
IN
FIRST APPEAL NO. 1502 OF 2016
WITH
FIRST APPEAL NO.1503 of 2016
WITH
INTERIM APPLICATION NO. 982 OF 2022
IN
FIRST APPEAL NO. 1503 OF 2016

...

A.R. Patil, AGP for the State/appellant in all appeals.

Mr.Sanjay A. Ghaisas for the applicant in all applications and for
respondent nos.1, 2, 4 and 6 in all First Appeals.

CORAM: BHARATI DANGRE, J.

DATED : 12th APRIL, 2022

P.C:-

1 Interim Applications are taken out by the respondents to the Appeal (the applicants in the Reference Court), seeking withdrawal of the amount of compensation granted by the Reference Court u/s.18 of the Land Acquisition Act.

Being aggrieved by the order in Reference, the State has filed the Appeal and subject to deposit of the decretal amount, the effect and operation of the impugned judgment is stayed.

2 An amount of Rs.24,44,756/- is deposited before the Reference Court in terms of the direction issued by this Court, subject to which stay was granted in favour of the appellant.

3 By the present applications, the applicants seek withdrawal of the amount, posing difficulty that they are agriculturists and depend on agriculture and since the land was acquired, they have been deprived of their livelihood. Apprehending that since the Appeal is now admitted, it will take a long period for its adjudication, the withdrawal of the amount is sought.

4 On hearing the learned counsel for the applicants and the learned counsel for the State, I am inclined to grant the applications, but restricting the withdrawal to 50% of the amount that is being deposited by the State towards the amount due and payable to the claimants under the impugned judgment.

5 The withdrawal is, however, subject to submission of solvent surety by the applicants before the Reference Court.

Another difficulty posed is that the applications are filed only by some of the applicants who had instituted the proceedings u/s.18. This contingency, however, can be dealt by the Reference Court by permitting withdrawal of the proportionate share of each of the applicant/claimant and with a clear line being drawn that the withdrawal shall not exceed 50% of the amount which has been deposited.

6 Interim Applications are disposed off, in the aforesaid terms, with the direction being issued to the Reference Court to compute the share of each of the applicants in which compensation that is awarded in the impugned judgment and permitting withdrawal of the amount subject to furnishing of solvent surety by each of the claimants separately qua his share.

(SMT. BHARATI DANGRE, J.)