



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

49 CIVIL APPLICATION NO. 4581 OF 2023  
IN FA/1884/2020

ANGAD WAMANRAO NALAWADE AND ORS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE  
COLLECTOR, OSMANABAD AND ORS

...  
Advocate for Applicant : Mr. More Abhijit S.  
AGP for Respondents/State : Mrs. M.L.Sangit  
Advocate for Respondent NO.3 : Mr. Ranjit B. Gaikwad  
...

CORAM : KISHORE C. SANT, J.

DATE : 27<sup>th</sup> JUNE, 2024.

PER COURT :

1. Heard the application.
2. Learned Advocate for the applicants vehemently argued that though this Court by order dated 20.09.2019 had directed the Acquiring Body/appellant to deposit the entire decretal amount in this Court. The Acquiring Body has deposited only 60% of the amount of the award.
3. This court thereafter, by order dated 20.10.2021

passed in Civil Application No. 3773 of 2021 was pleased to allow the applicants to withdraw 60% of the amount of the deposited amount alongwith interest accrued thereon.

4. Learned Advocate for the applicants, thus, argued that till today the applicants could withdraw only 35% of the amount of the total amount awarded and they should be allowed to withdraw the remaining amount deposited in this Court.

5. He further submits that since the order dated 20.09.2019 is not complied with. Therefore, the stay granted by this Court needs to be vacated.

6. Learned Advocate for the Acquiring Body opposes both the prayers. He submits that the Court has already considered the application for withdrawal of the amount and has specifically allowed the applicants to withdraw 60% of the deposited amount. So far as the interim relief is concerned he submits that the order dated 20.09.2019 itself is clarificatory. It is stipulated in the same order that in case the amount is not deposited as per the order, it will be treated that there is no stay and no time would be extended. He thus submits that no

specific order is required for vacating the interim relief.

7. Considering the above submissions, this Court finds that the SLAO had granted Rs. 34,500/- per hector, where as, the reference Court has granted the rate of Rs. 1,77,000/- per hector, which is slightly above the 5 times of the award passed by the SLAO. At the same time, only amount of 60% is deposited in this Court.

8. The Acquiring Body has not deposited the entire amount as directed by this Court and as such as on today there is no stay.

9. This court finds that it wold not be appropriate to withhold the amount as there is no stay by this Court as on today and whether the amount is deposited is only 60% of the total awarded amount. Hence this Court is inclined to pass the following order :

#### **ORDER**

a) The application stands allowed and disposed off.

b) The applicants are entitled to withdraw the entire amount lying in this Court deposited

by the Acquiring Body alongwith accrued interest on furnishing usual undertaking.

**( KISHORE C. SANT )**  
**JUDGE**

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