



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

CIVIL APPLICATION NO. 3474 OF 2024 IN FA/397/2024

JAGANNATH KASHINATH AUTADE AND OTHERS
VERSUS
CIDCO AURANGABAD CHIEF OFFICER CIDCO AND OTHERS

...
Advocate for Applicants : Mr. Shaikh Mujtaba Gulam Mustafa
Advocate for Respondent No.1 : Mr. S. V. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 05-04-2024

PER COURT :-

1. Heard the learned counsel for the applicants and learned counsel for respondent No.1/appellant.
2. The appellant has deposited 75% amount of the compensation.
3. Learned counsel for the appellant opposed the application.
4. The learned counsel for the applicants submits that since 75% of the compensation amount is deposited, the Court, in identical cases, allowed them to withdraw the entire amount on certain conditions.
5. The learned counsel for respondent/appellant submits that the learned Reference Court passed the award based upon earlier judgment in which the sale deed of year 2010 was considered.

6. Learned counsel for applicant has no instructions, whether that award was allowed on merit. *Prima facie*, it appears that the land of the applicants has been acquired. 25% of the amount from the enhanced compensation has already been protected by directing the Special Land Acquisition Officer not to deposit the entire compensation. Hence, the following order:-

ORDER

- i) The application is partly allowed.
- ii) The applicants are permitted to withdraw the entire amount deposited with this Court. Out of it, 50% of the deposited amount with accrued interest be released on furnishing usual undertaking before the learned Registrar (Judicial) of this Court and remaining 25% of the deposited amount along with accrued interest on furnishing solvent security/surety. The balance amount be deposited in FDR during the pendency of the appeal.

(S. G. MEHARE)
JUDGE