



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

**924 CIVIL APPLICATION NO. 9759 OF 2024
IN FAST/8104/2023**

POPAT PANDURANG GHOGARE

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR ,
COLLECTORATE OFFICE, OSMANABAD AND ORS

WITH

CIVIL APPLICATION NO. 6047 OF 2023

WITH FAST/8104/2023

THE EXECUTIVE ENGINEER OSMANABAD MINOR IRRIGATION DIVISION,
OSMANABAD UNDER THE G M I D C

VERSUS

POPAT PANDURANG GHOGARE

WITH

CIVIL APPLICATION NO. 6048 OF 2023

WITH FAST/8104/2023

Mr. Manoj U. Shelke, Advocate for the applicant-claimant.

Mr. K.S. Patil, AGP for the respondent-State.

Mr. Anand Chawre, Advocate for respondent No.2-Acquiring Body.

CORAM : KISHORE C. SANT, J.

DATE : 18.10.2024

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT.

01. This application is for withdrawal of the amount.

02. The application is vehemently opposed by learned Advocate for the respondent-acquiring body. He submits that the land of the applicant is taken to be irrigated land, but there is nothing on record to

show that the land is irrigated.

03. In any case, the applicant would be entitled to receive at least half rate of the irrigated land. Hence, the following order.

- (i) The application is partly allowed.
- (ii) The applicant is permitted to withdraw 50% amount deposited in this Court along with accrued interest on furnishing usual undertaking.
- (iii) Further 25% amount along with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.
- (iv) Remaining amount shall be deposited in fixed deposit of any nationalized bank to be renewed periodically till disposal of the appeal.

CIVIL APPLICATION FOR CONDONATION OF DELAY.

01. Heard. For the reasons stated in the application, the delay stands condoned. The application is allowed. Office to register the First Appeal.

CIVIL APPLICATION FOR STAY.

01. Since the amount as per the award along with interest as per earlier order passed by this Court is deposited in the office of this Court, there shall be stay to the impugned judgment and order, till disposal of the appeal.

02. The civil application for stay is accordingly allowed and is disposed off.

FIRST APPEAL

01. Heard.

02. Admit.

03. Learned Advocate Mr. Shelke waives service of notice for the respondent.

04. Call for record and proceedings.

[KISHORE C. SANT, J.]