

Vina Khapde
(P.S.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.6813 OF 2024
WITH
WRIT PETITION NO.6845 OF 2024

Vishwanath Shankar Patil

.. Petitioner

Versus

The Special Land Acquisition Officer and ors

.. Respondents

WITH
INTERIM APPLICATION NO.10457 OF 2024
IN
WRIT PETITION NO.6813 OF 2024

Tushar Jagdish Patil

.. Applicant

In the matter between :

Vishwanath Shankar Patil

.. Petitioner

Versus

The Special Land Acquisition Officer and ors

.. Respondents

.....

- Mr. Sandesh Patil i/b. Mr. Saurabh Patil for the Petitioners.
- Mr. Prathamesh Mandlik a/w Ms. Priyanka Lanke i/b. Mr. Nitesh Bhutekar for Respondent Nos.2 to 5, 12 and 13.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 11, 2024

P.C.:

1. Heard Mr. Patil, learned counsel for the Petitioners.
2. He has placed before me a decision of the Supreme Court dated 1.8.2016, *inter alia*, pertaining to land acquisition matters in the State of Maharashtra. Therein, there is a direction of the Supreme Court which states that the High Court may adopt the same pattern in all the connected cases, so that parties do not have to unnecessarily travel to

the Supreme Court. The question before the Supreme Court was with respect to release of 50% of the amount deposited by the State without security and the remaining 50% with security to the satisfaction of the Court.

3. As observed in the previous two orders dated 12.08.2024 and 21.08.2024, it is seen that the same land acquisition Court has allowed claimants' to withdraw 50% of the amount deposited by the State without security and the remaining 50% with security. Similar application was made by the Petitioners before me, which has however been rejected by the same Court.

4. List of cases in which the Court has allowed withdrawal of the amount to the claimants to the extent of 50% without security is appended at page 71 to the Petition. For the sake of convenience and reference, the details of the orders passed by the same Court in the years between 2018 & 2023 with respect to the above proposition advanced by Mr. Patil are reproduced below. It is seen that there are in fact 32 cases in which the Court has permitted withdrawal of 50% of the amount without security / bank guarantee. For ease of convenience and reference, the details of the said cases are reproduced below :-

Sr. No.	Spl. Darkhast No. / Civil MA No.	Bank Guarantee	Rate per Sq. Mtr.	Date of Order	Page Nos.
1	Spl. Darkhast no 49/2022	50 percent	Rs.1725	28/11/2023	73-74

Sr. No.	Spl. Darkhast No. / Civil MA No.	Bank Guarantee	Rate per Sq. Mtr.	Date of Order	Page Nos.
2	Spl. Darkhast no 55/2018	50 percent	Rs.1725	30/10/2023	75-77
3	Spl. Darkhast no 77/2022	Without Bank guarantee	Rs.1124	19/10/2023	78-79
4	Spl. Darkhast no 113/2020	50 percent	Rs.1725	09-12-2023	80-82
5	Spl. Darkhast no 102/2020	50 percent	Rs.1725	09-12-2023	83-84
6	Spl. Darkhast no 18/2023	50 percent	Rs.1124	17/07/2023	85-88
7	Spl. Darkhast no 47/2017	50 percent	Rs.600	04-06-2023	89-92
8	Spl. Darkhast no 220/2018	50 percent	Rs.1725	02-06-2023	93-96
9	Spl. Darkhast no 99/2020	50 percent	Rs.1725	02-06-2023	97-98
10	Spl. Darkhast no 12/2019	50 percent	Rs.1725	01-05-2023	99-100
11	Spl. Darkhast no 216/2018	50 percent	Rs.1725	15/10/2022	101-102
12	Spl. Darkhast no 129/2019	50 percent	Rs.1725	15/10/2022	103-106
13	Spl. Darkhast no 147/2019	50 percent	Rs.1725	09-06-2022	107-110
14	Spl. Darkhast no 215/2018	60 percent	Rs.1725	12-02-2021	111-118
15	Spl. Darkhast no 58/2016	50 percent	Rs.600	22/11/2021	119-134
16	Spl. Darkhast no 205/2019	60 percent	Rs.1725	15/11/2021	135-142
17	Spl. Darkhast no 13/2019	40 percent	Rs.1725	15/11/2021	143-156
18	Spl. Darkhast no 218/2018	60 percent	Rs.1725	21/10/2021	157-164
19	Spl. Darkhast no 221/2018	60 percent	Rs.1725	21/10/2021	165-172
20	Spl. Darkhast no 214/2018	50 percent	Rs.1725	21/10/2021	173-176
21	Spl. Darkhast no 213/2018	60 percent	Rs.1725	21/10/2021	177-180
22	Spl. Darkhast no 219/2018	40 percent	Rs.1725	10-08-2021	181-190
23	Spl. Darkhast no 61/2018	40 percent	Rs.1725	10-07-2021	191-198
24	Spl. Darkhast no 194/2018	25 percent	Rs.600	10-06-2021	199-202
25	Spl. Darkhast no 68/2019	40 percent	Rs.1150	04-08-2021	203-204
26	Spl. Darkhast no 50/2017	50 percent	Rs.600	26/11/2020	205-206

Sr. No.	Spl. Darkhast No. / Civil MA No.	Bank Guarantee	Rate per Sq. Mtr.	Date of Order	Page Nos.
27	Spl. Darkhast no 53/2016	50 percent	Rs.600	16/11/2019	207-210
28	Spl. Darkhast no 68/2018	50 percent	Rs.600	21/08/2019	211-214
29	Spl. Darkhast no 57/2018	50 percent	Rs.600	21/08/2019	215-218
30	Spl. Darkhast no 49/2018	50 percent	Rs.1725	07-12-2019	219-222
31	Spl. Darkhast no 152/2017	60 percent	Rs.1725	20/06/2019	223-226
32	Spl. Darkhast no 13/2018	Without bank guarantee	Rs.1725	25/04/2018	227-230

5. Learned Government Pleader is directed to take cognizance of the above and obtain appropriate instructions and inform this Court accordingly, failing which this Court will have to consider the request of Mr. Patil and also pass appropriate and similar orders in accordance with law.

6. Stand over to 18 September 2024.

[MILIND N. JADHAV, J.]