

Amberkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 9483 OF 2024**

Rahul Ganpat Shinde & Ors.

.. Petitioners

**Versus**

Land Acquisition Officer & Anr.

.. Respondents

.....

- Mr. Balasaheb R. Deshmukh for Petitioners
- Mr. P.G. Sawant, AGP for State

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : AUGUST 8, 2024**

**P. C.:**

1. Heard Mr. Deshmukh, learned Advocate for Petitioners and Mr. Sawant, learned AGP for the State.

2. By virtue of the common order dated 20.09.2022 passed by the learned Executing Court in Civil M.A. Nos. 104/2022 and 108/2022, the Applications filed by Claimants seeking withdrawn of the amounts deposited before the Court and for relaxation of the security to be furnished for such withdrawal stands rejected.

3. Civil M.A. No. 104/2022 was filed by the Claimant seeking withdrawal of an amount of Rs. 10 Lacs out of the deposited amount of Rs. 18.65 Lacs. Today Mr. Deshmukh would submit that even though the said Application was made for withdrawal of an amount of Rs. 10 Lacs only, he has instructions to submit to the Court that the Claimant / owner is now desiring to withdraw the entire amount

subject to furnishing adequate security by giving the title deeds of substantial immovable property to the satisfaction of the Trial Court. He would submit that affidavit dated 01.08.2024 to that effect has been filed by the Applicant wherein it is stated that the entire amount of compensation lying deposited in the Court be permitted to be withdrawn on furnishing adequate security to the satisfaction of the Trial Court. According to me, the security which the Applicant desires to give to the learned Trial Court is with respect to the immovable property situated at Village Rajpuri, Tal. Maval, Dist. Pune situated in Gat No. 107 having an area of 6 H 10 R. According to the valuation of the said property as per ready reckoner is Rs. 1.07 Crores as informed by Mr. Deshmukh.

4. Similarly in Civil M.A. No. 108/2022 Applicant Rahul Shinde has made a similar request seeking withdrawal of the entire amount deposited in the Court. In that Application, Applicant desired to give solvent surety and undertaking which was rejected by the Court and he was directed to give bank guarantee in its place.

5. It is seen by this Court that many times, litigants who are recipients of award amount do not have requisite amount to furnish bank guarantee. In that view of the matter, learned Trial Court can consider the request made by the Petitioners to give their landed immovable property as stated in the affidavit dated 01.08.2024 which

according to the Petitioners is worth more than Rs. 1.07 Cores and if the said security is to the satisfaction to the learned Court, the Court may consider the same strictly in accordance with law. While doing so the Court shall also ascertain that there are no encumbrances on the subject property offered or otherwise and if required call for report from the Statutory Authority / Officers concerning the said land and ascertain its valuation independently before passing any order for withdrawal of the amount. It is clarified that this Court has not applied its mind to the valuation of the security offered and the Court below is directed to ascertain the same.

6. In view of the above directions, impugned order dated 20.09.2022 stands quashed and set aside. Resultantly remanding both the M.A. Nos. 104/2022 & 108/2022 for hearing afresh before the learned Trial Court on the issue of security to be furnished to the satisfaction of the Trial Court.

7. Writ Petition stands allowed and disposed in the above terms.

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by RAVINDRA  
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[ MILIND N. JADHAV, J. ]