Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6813 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 and Ors. .. Applicants
IN THE MATTER BETWEEN
Vishwanath Shankar Patil .. Petitioner
Versus
The Special Land Acquisition Officer and Ors. .. Respondents

WITH
WRIT PETITION NO. 6845 OF 2024

Vishwanath Shankar Patil .. Petitioner
Versus
The Special Land Acquisition Officer and Ors. .. Respondents

....

- Mr. Sandesh Patil a/w. Ms. Divya Pawar, Advocates i/by Mr. Saurabh Patil, Advocate for Petitioner.
- Mrs. S.A. Prabhune, AGP for the State.

....

CORAM : MILIND N. JADHAV, J.
DATE : AUGUST 12, 2024.

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Mrs. Prabhune, learned AGP for the State.

2. It appears that the objection raised by Mr. Patil and as recorded by this Court in paragraph No.4 of the order dated 11.06.2024 is attempted to be answered by Respondent No.1 on the ground that the deduction is made towards TDS. Mr. Patil would submit that the amount of compensation received as Award is not susceptible to deduction of TDS and he would place the appropriate decisions of this Court to that effect on record. He is directed to share the Court decisions with Ms. Prabhune, learned AGP immediately in the course of the day. If the decisions cover the filed, then the Special Land Acquisition Officer (for short "**SLAO**") shall give appropriate instructions to the learned AGP on the next adjourned date as to within how much time the deposit of balance deficit amount which has been noted by the Court in the previous order shall be made.

3. One more issue has been pointed out to me by Mr. Bhutekar in the Affidavit-in-Reply filed in the companion Writ Petition No.6845 of 2024. It is the case of SLAO that TDS amount of approximately Rs.73 lakhs has been deducted whereas in the order dated 11.06.2024 it has been recorded by this Court on the submission made by the Writ Petitioner that the deficit amount is Rs.1.52 crores, if it is computed according to the Division Bench order.

4. Ms. Prabhune, learned AGP shall take appropriate instructions from the SLAO on this and place the computation of the deposit made before the Court and if there is any deficit amount to be deposited, shall inform the Court accordingly.

5. With respect to the issue relating to allowing Petitioner to withdraw 100% of the deposited amount by giving security of 50% only, Mr. Patil has placed on record a compilation of decisions of the learned Trial Court permitting similarly placed parties to withdraw the entire 100% amount by giving a Bank guarantee of a lesser amount. In so far as this issue is concerned, the law is well settled that the security to be given has to be to the satisfaction of the Executing Court. In the present case, the Executing Court has rejected the Application for withdrawal and the case of Petitioners to offer bank guarantee of a lesser amount.

6. Learned AGP is directed by this Court to consider the said decisions which are in the compilation submitted by Mr. Patil and address the Court on the same. Copy of the said compilation is handed over to learned AGP before me in my presence.

7. Petitioner is directed to compute the outstanding deficit amount and submit his calculation in response to the calculation which is appended by the SLAO to the Affidavit-in-Reply in Writ Petition No.6845 of 2024. The same shall be forwarded to the SLAO within a period of four days from today. SLAO shall go through the same accordingly and instruct the learned AGP on the next date to make proper submissions thereon.

8. SLAO is directed by this Court to remain present on the next date through VC.

9. Stand over to **21st August 2024**. To be listed under the caption "**First on Board**".

[MILIND N. JADHAV, J.]

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AJAY TRAMBAK UGALMUGALE
Digitally signed by AJAY TRAMBAK UGALMUGALE Date: 2024.08.13 14:17:52 +0530