



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2744 OF 2025
IN FA/1920/2024

MOHAN VISHVAMBHAR @ VISHWAMBHAR SONTAKKE AND
ORS

....Applicant

VERSUS

THE STATE OF MAHARASHTRA THR. THE COLLECTOR,
OSMANABAD AND ORS

.....Respondent

.....
Advocate for Applicant : Mr. Patne Santosh N.
Advocate for Respondents : Mr. Copy Served On Gp
.....

WITH

CIVIL APPLICATION NO. 2743 OF 2025
IN FA/1921/2024

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 16th APRIL, 2025.

P.C. :-

1. Heard learned advocates for respective parties.
2. The applicants are seeking permission to withdraw the amount deposited by respondent/State of Maharashtra in pursuance to award dated 16.4.2014 passed in LAR No. 362 of 2011. The learned advocate for applicants submits that the applicants have lost their acquired land. The Reference Court granted enhanced compensation relying upon previous decisions pertaining to lands from the same acquisition i.e. LAR No. 1016 of 2010.
3. Learned AGP strongly opposes the application for withdrawal on the ground that enhancement of compensation is exponential and it is almost 12 times than the rate determined by the

Land Acquisition Officer.

4. Considering the submissions advanced, prima facie, it can be observed that the Reference Court granted enhanced compensation relying upon the judicial decision, whereby rate of land was fixed. Learned AGP is not in a position to point out whether the order passed in LAR no. 1016 of 2010 is challenged in appeal or not. In that view of the matter, applicants have made out a case for grant of permission to withdraw the amount, subject to certain conditions. Hence, the following order :-

O R D E R

[I] The applications are partly allowed;

[ii] The applicants are permitted to withdraw 70% of the amount of compensation as deposited by the respondent State with the Registry of this court, alongwith interest accrued thereon, subject to condition that the applicants file an undertaking to the satisfaction of Registrar(Judicial) of this Court, that in case any adverse order is passed in appeal, they shall re-deposit the amount within six weeks from the date of passing such order.

[iii] Rest of the amount be kept in Fixed Deposit with a renewal clause till disposal of appeal.

[iv] Both the applications stand disposed of.

[S.G. CHAPALGAONKAR, J.]

grt/-