

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

906 CIVIL APPLICATION NO. 5449 OF 2025
IN FAST/25688/2019

Kashinath Shivram Dahiwade

Versus

The State Of Maharashtra, Through The Collector, Osmanabad And Ors

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Shri. Pravin B. Rakhunde, Advocate for the Applicant

Shri. R. B. Dhaware, AGP for Respondent Nos.1 & 2

Shri. S. S. Sangle, Advocate for Respondent No.3

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CORAM : NEERAJ P. DHOTE, J.

Dated : MAY 08, 2025

PER COURT :-

. This is the Application by the Orig. Claimant for withdrawal of the amount deposited by the Acquiring Body in this Court.

2. The learned Advocate for the Applicant submits that in connected Appeal arising out of the same acquisition proceedings for the same project, this Court by order dated 24.10.2024 in group of Civil Applications, one of which is Civil Application No.11332 of 2024, on hearing both the sides, permitted the withdrawal of 75%. He submits that, in view of the said order the Application may be allowed.

3 The learned Advocate for the Acquiring Body, though opposes the Application, does not dispute the aforesaid aspect that similarly placed Claimants were permitted to withdraw 75% amount.

4. There is no dispute that enhanced compensation is five (5) times from the Award passed by the Special Land Acquisition Officer.

5. On going through the aforesaid order and on hearing both the sides, the Application deserves to be allowed in terms of the said order. Hence, the following order :

ORDER

(i) The Applicant is permitted to withdraw 50% of the amount deposited by the Acquiring Body in the Office of this Court, along with interest accrued thereon, on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

(ii) Further 25% amount is permitted to be withdrawn along with interest accrued thereon on furnishing Solvent Surety / Security to the satisfaction of the learned Registrar (Judicial) of this Court.

(iii) Remaining 25% amount along with the interest accrued thereon be deposited in Fixed Deposit in any Nationalized Bank on yearly basis which shall be renewed from time to time till disposal of the Appeal.

(iv) Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP