



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 CIVIL APPLICATION NO. 4172 OF 2025
IN FA/2369/2024

Ajabsing Mahajan Rajput And Ors.
Versus
The Sub Divisional Officer And Anr.

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Mr. Rodge Suresh Namdeo, Advocate For Applicants
Mr. S. P. Joshi, AGP for Respondent No. 1
Mr. R. C. Patil, Advocate for Respondent No. 2

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CORAM : S. G. CHAPALGAONKAR, J.
DATE : 17th APRIL, 2025

ORDER :

Civil Application No. 4172 of 2025 (Withdrawal) :-

1. Heard learned advocate appearing for applicants and Mr. Patil, learned advocate appearing for the acquiring body.
2. The applicants are seeking permission to withdraw amount deposited by the acquiring body in pursuance to the award passed by the Reference Court under Land Acquisition Act.
3. Mr. Patil submits that the award is exponential. The interest on compensation amount is granted from the date of notification under Section 4 instead of from the date of award. Further, according to him compensation is granted towards fruit bearing trees, independent of land, which cannot be approved.

4. The learned advocate appearing for applicants, however, submits that the applicants have lost their land and they are suffering from financial duress. Hence, they need immediate financial assistance.

5. Considering submissions advanced and the reasoning adopted by the Reference Court, applicants are certainly entitled for partial withdrawal of amount subject to certain conditions. Hence, following order :

ORDER

- (i) Civil application is partly allowed.
- (ii) Applicants are permitted to withdraw 60% compensation amount as deposited by the Acquiring Body along with accrued interest thereon, subject to condition that they file an undertaking to the satisfaction of Registrar (Judicial) of this Court that they shall redeposit the amount in case adverse order is passed in appeal.
- (iii) Balance amount be kept in fixed deposit with any Nationalised Bank.

First Appeal No. 2369 of 2024 :-

- 1. Admit.
- 2. Print & paperbook dispensed with.
- 3. Learned advocate, Mr. S. N. Rodge waives for respondents.

[S. G. CHAPALGAONKAR, J.]