



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

**30 CIVIL APPLICATION NO. 4049 OF 2025
IN FA/1040/2024**

Sukhdeo Balu Devkar Died Thr. LRs Bhamabai Devkar And Ors.
Versus
The State Of Maharashtra Thr. Collector Osmanabad And Ors.

WITH

CIVIL APPLICATION NO. 4051 OF 2025 IN FA/1039/2024

WITH

CIVIL APPLICATION NO. 4052 OF 2025 IN FA/1041/2024

WITH

CIVIL APPLICATION NO. 4053 OF 2025 IN FA/1038/2024

WITH

CIVIL APPLICATION NO. 4054 OF 2025 IN FA/1042/2024

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Mr. L. C. Patil, Advocate for Applicants

Mr. S. P. Joshi, AGP for Respondent Nos. 1 and 2

Mr. D. B. Pawar And Mr. R. A. Tambe, Advocates for Respondent No. 3

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CORUM : S. G. CHAPALGAONKAR, J.

DATE : 17th APRIL, 2025

ORDER :

1. Heard learned advocates appearing for respective parties.
2. The applicants are seeking permission to withdraw the amount deposited by respondent/Acquiring Body in pursuance to award passed by Reference Court under provisions of Land Acquisition Act. Mr. Patil, learned advocate appearing for applicants invites attention of

this Court to order dated 25.03.2025 passed in Civil Application No. 3355 of 2025 in First Appeal Stamp No. 8274 of 2022 and submits that in sister appeals arising out of same acquisition and notification, this Court has already permitted withdrawal of 75% of compensation amount on furnishing usual undertaking and balance amount has been permitted to be withdrawn on furnishing solvent surety/security. He, therefore, urges that the same course may be followed in present application.

3. Mr. Tambe, learned advocate appearing for respondent/ Acquiring Body does not dispute that the order referred to pertains to same acquisition arising out of same notification. In that view of the matter, there is no difficulty in following the same course.

4. In result, application is allowed. The applicants are permitted to withdraw the entire amount deposited by Acquiring Body along with interest accrued thereon. Out of the same, 75% amount is permitted to be withdrawn on furnishing usual undertaking and balance 25% amount is permitted to be withdrawn on submitting solvent surety/security to satisfaction of the Registrar (Judicial) of this Court. The application stands disposed of, accordingly.

[S. G. CHAPALGAONKAR, J.]

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