



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

**35 CIVIL APPLICATION NO. 4147 OF 2025
IN FA/1724/2024**

Devidas Bhimrao Nannvare And Ors.
Versus
The State Of Maharashtra Through Collector, Osmanabad And Ors.

**WITH
CIVIL APPLICATION NO. 4148 OF 2025
IN FA/1725/2024**

Kalidas Nagnath Nannvare And Ors.
Versus
The State Of Maharashtra Through Collector, Osmanabad And Ors.

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Mr. L. C. Patil, Advocate for Applicants
Mr. S. S. Dande, AGP for Respondent Nos. 1 and 2
Mr. A. S. Shelke, Advocate for Respondent No. 3

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

ORDER :

1. Heard learned advocates appearing for the respective parties. The applicants are seeking permission to withdraw the amount deposited by respondent/acquiring body in pursuance to the award passed by the Joint Civil Judge, Senior Division, Osmanabad.

2. Mr. L. C. Patil, learned advocate appearing for the applicants submits that the Reference Court passed award based on two sale instances. As such, the assessment of compensation is just and proper and there are no good grounds in appeal. He would further submit that

since the applicants have lost their land they are facing hardship and needs the amount of compensation.

3. Per contra, Mr. Shelke, learned advocate appearing for respondent/acquiring body vehemently opposes the application contending that the enhancement is exponential and it is proximately 28 times of the land value as fixed by the Land Acquisition Officer. Considering submissions advanced and reasoning as adopted by the Reference Court. *Prima facie*, it appears that the reliance is placed on two sale instances by Reference Court. Mr. Shelke, points out that those sale instances are not from the village but pertains to the land which are near the town. The aforesaid aspect needs consideration at the time of final hearing of appeal, however, to give solace to the applicants, they are certainly entitled for withdrawal of partial amount subject to certain conditions. Hence, application deserves to be partly allowed. Hence, following order:

ORDER

(i) The applicants are permitted to withdraw 50% of the compensation amount as deposited by the acquiring body along with accrued interest thereon on furnishing usual undertaking to satisfaction of the Registrar (Judicial) of this Court that in case adverse order is passed in the appeal, they shall redeposit amount within a period of six weeks.

(ii) The rest of the amount be kept in fixed deposit till further orders, with renewal clause.

(iii) Hence, the application stands disposed of, accordingly.

FIRST APPEAL NO. 1724 OF 2024 & FIRST APPEAL NO. 1725 OF 2024 :

1. Admit.
2. Learned AGP waives service for respondent nos. 2 and 3.
3. Mr. Shelke, learned advocate, waives for respondent no. 3.
4. Print and paperbook dispensed with.

**[S. G. CHAPALGAONKAR]
JUDGE**

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