

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

18 CIVIL APPLICATION NO.3961 OF 2025
IN FA/2375/2019

Dhanaji Shrimant Sarade

Versus

The State of Maharashtra
Through Collector, Osmanabad And Ors

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Shri. Laxmikant C. Patil, Advocate for the Applicant
Shri. Rajdeep D. Raut, AGP for the Respondent / State.

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CORAM : NEERAJ P. DHOTE, J.

Dated : APRIL 7, 2025

PER COURT :-

. This is the Application by the Orig. Claimant, who is the Respondent in the Appeal, for withdrawal of the entire amount deposited by the Acquiring Body i.e. State with this Court.

2. The learned Advocate for the Applicant submits that the Appeal would take its own time and therefore, the Applicant be permitted to withdraw the entire amount on furnishing undertaking.

3. The Application is opposed by the learned AGP. He submits that the compensation enhanced by the learned Reference Court is five (5) times the compensation awarded by the Special Land Acquisition Officer (in short, 'SLAO').

4. The Appeal is by the Acquiring Body i.e. State. The Appellant has deposited the entire amount under the Award with this Court. There is no order of calling Record and Proceedings for hearing the Appeal. Considering the above submissions and the enhancement is only up to

five (5) times the compensation awarded by the SLAO, it would be appropriate that if the Applicants are allowed to withdraw 75% amount from the amount deposited by the Acquiring Body, subject to condition that 50% amount shall be withdrawn on furnishing usual Undertaking and 25% shall be withdrawn against Solvent Security / Surety, both to the satisfaction of the Registrar (Judicial) of this Court. Hence, the following order.

ORDER

- (i) The Application is partly allowed.
- (ii) The Applicant is permitted to withdraw 75% amount from the amount deposited by the Acquiring Body along with interest accrued thereon. Out of the said 75% amount, 50% amount along with interest accrued thereon shall be withdrawn by Applicant on furnishing usual Undertaking, and 25% amount along with interest accrued thereon shall be withdrawn by the Applicant on furnishing solvent surety / security, both to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Remaining 25% amount along with interest accrued thereon, be invested in a Fixed Deposit Receipt (FDR) in any Nationalized Bank and the FDR be renewed from time to time till disposal of the Appeal.

(NEERAJ P. DHOTE, J.)

GGP