



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

**CIVIL APPLICATION NO. 4657 OF 2025
IN FA/3523/2023**

Balasaheb Sadashiv Kawade

VERSUS

The Executive Engineer And Ors

WITH

**CIVIL APPLICATION NO. 4656 OF 2025
IN FA/3524/2023**

Sadashiv Mahadev Kawade Died Through Lrs Balasaheb
Sadashiv Kawade And Ors

VERSUS

The Executive Engineer And Ors

WITH

**CIVIL APPLICATION NO. 4658 OF 2025
IN FA/3525/2023**

Anandrao Mahadev Kawade Deceased Through Lrs Suwarna
Anandrao Kawade And Ors

VERSUS

The Executive Engineer And Ors

...

Mr. Ankush Nagargoje h/f Mr. R. K. Shinganpure, Advocate
for Applicants

Mr. R. B. Deshpande, Advocate for Respondent no.1.

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 20TH SEPTEMBER, 2025

ORDER :-

. These are the Civil Applications filed by the original claimants seeking withdrawal of the amount deposited by the Acquiring Body in this Court in the appeals which are filed by the Acquiring Body.

2. Mr. Ankush Nagargoje h/f Mr. R. K. Shinganpure, learned Advocate appearing for the claimants placed reliance on the order dated 21.04.2022 in Civil Application No.5124 of 2022 in First Appeal No.541 of 2021. Learned Advocate for the applicants referring to the order (supra) submits that the subject matter of the First Appeal No.541 of 2021 and the present First Appeal is the same land acquisition proceeding and notification. Mr. Nagargoje further submits that on hearing of the parties on 21.04.2022, this Court granted permission to withdraw total 75 percent amount out of the entire award amount which was deposited by the Acquiring Body in the said appeal. With this, learned Advocate for the applicants submits that the entire amount which ever is deposited by the Acquiring Body in the present appeal also be allowed to be withdrawn by the applicants.

3. Mr. R. B. Deshpande, learned Advocate appearing for the Acquiring Body however places reliance on another order passed by this Court on the same date in Civil Application No.5170 of 2022 in First Appeal No.1611 of 2021. Mr. Deshpande would further submit that the subject matter of First Appeal No.1611 of 2021 is also the same land acquisition

proceeding and same notification which is in dispute in the present appeal. He further submits that in the First Appeal No.1611 of 2021, the entire award amount was deposited by the Acquiring Body in this Court and yet only 75 percent amount was allowed to be withdrawn by the claimants/applicants therein.

4. Learned Advocate for the Acquiring body therefore submits that in spite of allowing the applicants to withdraw the entire amount in the present matter 75 percent amount could be allowed to be withdrawn by the applicants in the present appeals.

5. It seems that there is dispute as to the quantum of amount deposited by the Acquiring Body in the present matter. While learned Advocate for the applicants submits that the appellant was under obligation to deposit the entire amount, they have deposited only 75 percent of the amount and hence, entire amount be allowed to be withdrawn.

6. Per contra, Mr. Deshmukh fairly accepts that not 100 percent but at least 81 percent is deposited by the Acquiring Body in this Court.

7. May it be, today the award stands in the name of the applicants whose lands are acquired under compulsory acquisition. Their entitlement has been decided by the adjudicating Court i.e. the learned Reference Court by assessing the evidence on record and upon hearing both the parties.

8. In view of this and in the light of the orders cited by both the parties, I pass following order:

ORDER

a. Applicants are permitted to withdraw entire amount (50 percent on furnishing usual undertaking and 50 percent on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court) deposited by the Acquiring Body till today in this Court together with accrued interest.

b. Civil Applications stand disposed of.

(AJIT B. KADETHANKAR, J.)