



(1)

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

**950 CIVIL APPLICATION NO. 4858 OF 2025
IN FA/3714/2023**

HAUSABAI NARSING KAWADE DIED THROUGH LRS
BIBHISHAN AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
OSMANABAD AND OTHERS

AND

**CIVIL APPLICATION NO. 4857 OF 2025
IN FA/3712/2023**

NARSING RANGA ALIAS RANGANAT KAWADE, DIED,
THROUGH LEGAL HEIRS HAUSABAI AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
OSMANABAD AND OTHERS

AND

**CIVIL APPLICATION NO. 4352 OF 2025
IN FA/3713/2023**

SANTOSH VISHWANATH KAWADE

VERSUS

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
OSMANABAD AND OTHERS

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Mr Ramraje Deshmukh, Advocate for applicants in all applications
Mr B. R. Survase, Advocate for respondent No.1 in all applications
Mrs V. N. Patil Jadhav, A.G.P. for respondent Nos.2 & 3 in all
applications

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 6th May, 2025

(2)

PER COURT:

1. Heard.
2. These applications are filed seeking withdrawal of amount of compensation deposited by the appellant in this Court along with interest accrued pursuant to the respective impugned judgment and award passed by the learned Reference Court under Section 18 of the Land Acquisition Act. The applicants are original claimants whose lands came to be acquired by the respondents.
3. It is pointed out that in similar matters arising out of the same project, earlier this Court has permitted withdrawal of the amount to the extent to 50% with accrued interest on furnishing undertaking and to the extent of 25% with accrued interest on solvent surety/security and reliance is placed on the order dated 04/05/2022 in Civil Application No.5076/2022 in First Appeal No.6101/2020 and connected matters. A request is made for passing similar orders on the instant applications.
4. Considering that the applicants/original claimants have lost valuable land and the amount is deposited towards compensation in this Court, this Court is inclined to allow the application with certain conditions. Hence, I pass the following order :-

(3)

ORDER

The applicants in all these applications are allowed to withdraw 50% of the deposited amount along with accrued interest by the Acquiring Body in this Court on furnishing an undertaking that, in case, the appeals are allowed, they shall redeposit the amount with interest in this Court within twelve weeks thereafter. Further 25% of the amount shall be allowed to be withdrawn to the applicants on furnishing solvent surety/security to the satisfaction of the Registrar Judicial of this Court. Remaining amount be invested in fixed deposit in any Nationalized Bank and be kept till disposal of the appeal.

5. The applications stand allowed and disposed of.

(PRAFULLA S. KHUBALKAR, J.)

sjk