



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

947 CIVIL APPLICATION NO. 5926 OF 2025
IN FA/3506/2023

Brahamadeo Dnyanoba Todakar
VERSUS
The State Of Maharashtra, Through The Collector, Osmanabad

WITH
CIVIL APPLICATION NO. 8287 OF 2022
IN FA/3507/2023

WITH
CIVIL APPLICATION NO. 8289 OF 2022
IN FA/3506/2023

WITH
CIVIL APPLICATION NO. 8291 OF 2022
IN FA/3505/2023

WITH
CIVIL APPLICATION NO. 5925 OF 2025
IN FA/3505/2023

WITH
CIVIL APPLICATION NO. 5924 OF 2025
IN FA/3507/2023

Ms.Sakshi Kale, Advocate h/f Mr.Ajit Kale, Advocate for claimants
Mr.S.S.Dande, AGP for State authority
Mr.R.A.Tambe, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 25, 2025

ORDER :-

These applications have been filed by the claimants for withdrawal of amount deposited by the acquiring body in the appeal as directed by this court while granting stay to the impugned judgment and award.

2. Ms.Sakshi Kale, learned counsel holding for Mr.Ajit Kale, learned counsel for the claimants, submits that the entitlement of the claimants to receive the compensation has been assessed by the trial court after examining the evidence on record and thereafter only, enhancement has been granted by the trial court. She would submit that it is not in dispute that the immovable properties of the applicants have been acquired by the acquiring body in the compulsory acquisition. She would submit that that there cannot be any dispute about the quantum, as could be seen to have been raised by the acquiring body in the appeal. She places reliance on the **order dated 26.04.2023, passed by this Court in Civil Application No.5088 of 2023 in FA/2611/2021 with connected matters**. She would further submit that this court, vide said order, has permitted the applicants therein to withdraw 50% of the deposited amount with interest accrued, on furnishing undertaking to

the satisfaction of learned Registrar (judicial). In order to justify the reliance placed on the cited order, she would submit that the subject matter – land acquisition proceedings in the cited appeals is the same, which is the subject matter of the present appeals. She would also submit that the grounds of appeals raised by the acquiring body in both these matters is also same. In view of this, she prays for withdrawal of 50% of the deposited amount together with interest accrued thereon.

3. Learned counsel for the acquiring body, in all fairness, agrees with the submission made by learned counsel for the applicants so far as factual aspect is concerned. He would further submit that the acquiring body has reasonable right to dispute the findings of the reference court on merits while hearing the appeal.

4. In view of the above, I pass the following order:-

(i) the applicants are permitted to withdraw the entire 50% amount of compensation along with interest accrued thereon, till date, on usual undertaking to the satisfaction of learned Registrar (Judicial) of this court.

(ii) The applications stand disposed of accordingly.

C.A. for Stay :-

5. It is not in dispute that the acquiring body has deposited the entire award amount together with interest accrued, pursuant to the stay granted by this court. In view thereof, the stay granted earlier is made absolute. The application stands disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

KBP