

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

**912 CIVIL APPLICATION NO. 5330 OF 2025
IN FAST/35003/2019**

Shivaji Vithalrao Bhalerao And Ors

VERSUS

The Ex. Engineer, Minor Irrigation Division, Latur Thr Gmide
Aurangabad

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Mr. Subhash S. Chillarge - Advocate for Applicant

Mr. R. D. Raut - AGP for Respondent/State

Mr. V. P. Kadam – Advocate for Respondent No. 1

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**CORAM : NEERAJ P. DHOTE, J.
DATED : 06TH MAY 2025**

PER COURT : -

1. This is an Application by the Claimants for withdrawal of the amount deposited by the Acquiring Body. The Appeal is preferred by the Acquiring Body against the Judgment and Award dated 12.03.2013 passed by the learned Civil Judge S.D. Udgir [in short “the Reference Court”] in Land Acquisition Reference No. 81/2010.

2. The learned Advocate for the Applicants submits that the Reference Court has enhanced compensation upto five [5] times than the compensation awarded by the Special Land Acquisition Officer [for short ‘SLAO’]. He submits that the Applicants are ready to furnish the Solvent Surety / Security against the withdrawal of 25% amount, and undertaking against the withdrawal of 75% amount. He submits that the Application be allowed.

3. The learned Advocate for the Respondent / Acquiring Body opposes the Application. He submits that, 75% amount may be allowed to be withdrawn.

4. After hearing both the sides and considering that the enhancement of compensation is only upto five [5] times than the compensation awarded by the SLAO and the Applicants are ready to furnish Solvent Security / Surety against the withdrawal of 25% amount, and undertaking against the withdrawal of 75% amount, I see no impediment to allow the Application on the following terms :-

5. The Applicants are allowed to withdraw the amount deposited by the Acquiring Body with interest accrued thereon on the condition that, they shall furnish Solvent Security / Surety / Bank Guarantee against the withdrawal of 25% amount, and undertaking against withdrawal of 75% amount to the satisfaction of the Registrar (Judicial) of this Court.

6. No request for release of Solvent Security / Surety / Bank Guarantee would be entertained till the disposal of the Appeal.

7. Application is accordingly disposed off.

[NEERAJ P. DHOTE]
JUDGE