

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

914 CIVIL APPLICATION NO.5701 OF 2025
IN WP/8279/2022

The State of Maharashtra
Through Secretary And Others
VERSUS

Podar International School
Through Its General Manager Aman Moreshwar Temude

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Shri. P. K. Lakhotiya, AGP for the Applicants / State.
Shri. Sanjeev B. Deshpande, Senior Advocate
a/w. Shri. Chetan B. Chaudhary, Advocate i/by.
Ms. Priyanka A. Deshpande, Advocate for the Respondent

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CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : JUNE 24, 2025

PER COURT :-

. The learned Senior Advocate for the Petitioner / Non-Applicant files the Reply to the Civil Application. The same is taken on record.

2. This is the Application by the Respondent Nos.1 to 3, which are the State, the Collector Hingoli and the Tahsildar Hingoli, to withdraw the amount of Rs.59,00,000/- (Rs. Fifty Nine Lakh) deposited by the Petitioner in this Court.

3. It is submitted by the learned AGP appearing for the Applicants / State that the land on which the Petitioner's School is standing, is the *Gayran* land, which was given to a person for the agriculture purpose. He submits that, concerned third person leased the said land without

any authority to the Petitioner's school. The Petitioner's school had constructed the school on the said land without any authority and when the notice of the eviction and possession was issued by the State machinery, the School filed Writ Petition against the same. He submits that, pursuant to the interim order passed by this Court on 12.08.2022, the Petitioner School had deposited the amount in this Court. He submits that the said amount be allowed to be withdrawn by the State.

4. The learned Senior Advocate appearing for the Petitioner / Non Applicant tenders across the bar copy of the Affidavit-in-Reply to the Application. He submits that there is one more Writ Petition bearing No.5752 of 2017 pending before this Court, wherein more or less similar issue in respect of very land is pending. He submits that the Petitioner has a good case on merits and likely to succeed in the Petition and, therefore, the Application may be rejected. He submits that, it would be difficult to recover the amount, if the Application is allowed.

5. After hearing both the sides and considering the issue involved and order of this Court in respect of depositing half of the amount in this Court and more particularly in the light of the communication dated 29.07.2022 issued by the Petitioner School to the Tahsildar, Hingoli wherein it is consented to make monthly rent as per the Government laws and conditions, we allow the Application and permit the State to withdraw the amount along with the interest accrued thereon which is

deposited by the Petitioner School in this Court. It is made clear that the Petitioner School shall not claim any equities only on the ground that the amount has been allowed to be withdrawn by the State. The amount be transferred to the account number of State, the details of which are given in the prayer Clause 'B' which reads as under :-

'B) The respondent authority allow to withdraw deposited amount of Rs.59,00,000/- or registry be directed to transfer the said amount Account No:- 52068256017, IFC Code No.:- SBIN0020018, MICR Code :- 431002404.'

6. The Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP