



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.6197 OF 2025
IN
FIRST APPEAL/1225/2021**

NAGNATH APPA KADAM (DIED), THROUGH HIS LRS.
BHAGWAT NAGHNATH KADAM
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR,
OSMANABAD AND OTHERS

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Advocate for Applicant : Mr. Laxmikant C. Patil.
APP for Respondent Nos. 1 and 2-State : Mr. N. D. Batule
Advocate for Respondent No.3 : Mr. Rahul A. Tambe

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**WITH
CIVIL APPLICATION NO.7223 OF 2021
IN
FIRST APPEAL/1225/2021**

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIV., OMERGA AND OTHERS
VERSUS
NAGNATH APPA KADAM (DIED), THROUGH HIS LRS.
BHAGWAT NAGHNATH KADAM

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Advocate for Applicant : Mr. Rahul A. Tambe
APP for Applicant Nos.2 and 3 - State : Mr. N. D. Batule
Advocate for Respondent : Mr. Laxmikant C. Patil.

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**CORAM : ABHAY S. WAGHWASE, J.
DATED : 03 JULY 2025**

PER COURT :-

CIVIL APPLICATION NO.6197 OF 2025 :

1. This is an Application for withdrawal of the amount deposited by the Acquiring Body along with interest accrued thereon. The Appeal is filed by the Acquiring Body in respect of lands acquired for Storage Tank Dhotri in File No.1999/LNQ/CR-36.

2. Heard the learned Advocate for the Applicant, the learned Advocate for the Acquiring Body and the learned AGP for the Respondents – State.

3. There is no dispute that, this Court, in connected Appeals, which are arising out of the same acquisition proceedings for Storage Tank Dhotri in File No.1999/LNQ/CR-36, has permitted the Applicants / Claimants therein to withdraw the amount. A copy of the order dated 04/04/2025, passed in Civil Application No.3832/2025 in First Appeal No.1211/2021 is made available for perusal. The Application in hand is also arising out of the same Storage Tank and, therefore, the same course is to be followed. Hence, the Application is allowed in terms of the said order.

4. The Applicants are allowed to withdraw 75% of the amount with accrued interest deposited in this Court on furnishing usual undertaking and remaining 25% amount be invested in fixed deposits in any Nationalized Bank to be renewed from time to time till disposal of the Appeal. Application is disposed off accordingly.

CIVIL APPLICATION NO.7223 OF 2021

5. This is an application seeking stay to the effect and operation of the impugned Judgment and Award.

6. There is no dispute that, the Acquiring Body has deposited the entire amount under the Award along with interest accrued thereon. Therefore, the stay granted by the order dated 30/07/2021 is made absolute and the Application is disposed off in terms of Prayer Clause "B".

[ABHAY S. WAGHWASE, J.]