



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

962 CIVIL APPLICATION NO. 7087 OF 2025
IN FA/1110/2025

KAILAS MALLIKARJUN DULANGE AND ORS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH COLLECTOR, OSMANABAD

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Advocate for the Applicant : Mr.Patil Laxmikant C.
AGP for Respondent/State : Mr.D.B.Bhange
Advocate for Respondent No.3 : Mr.Avishkar S.Shelke

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CORAM : SHAILESH P. BRAHME, J.
DATE : 12.08.2025

PER COURT :

. Heard both sides.

2. As the respondent/acquiring body has deposited amount of Rs.3,42.97,013/- present application is filed seeking withdrawal of the amount. Reliance is placed on common orders dated 04.04.2025,25.11,2024, 19.01.2024 and 24.10.2024 passed by the co-ordinate benches permitting the applicants to receive 75% of the amount on furnishing undertaking.

3. Learned counsel Mr.Shelke opposes the application. He would submit that the enhancement is shocking and exorbitant i.e 24 times. Interest is awarded under Section 28 of Land Acquisition Act from

the date of notification and not from the date of award.

4. It is clarified by learned counsel Mr.Patil that acquiring body has deposited the amount with interest from the date of award. In similarly situated matters, applicants were permitted to receive 75% of the amount.

5. Considering rival submissions of the parties, I am of the view that I have to be consistent with the orders passed by the co-ordinate benches. Whereas, enhancement is exorbitant or not would be the matter of final hearing. On the ground of parity, applicants are entitled to receive 75% of the amount with accrued interest.

6. Civil application is allowed partly by permitting the applicants to receive 75% amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

7. Balance amount shall be invested in nationalized bank.

[SHAILESH P BRAHME, J.]

vsj..