



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6856 OF 2025
IN FAST/12696/2017

RAOSAHEB NARAYAN GATE (DIED), VENUBAI RAOSAHEB GATE
(DIED), THROUGH LRS. SHRIHARI RAOSAHEB GATE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

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Advocate for Applicants : Mr. Gajanan K. Sontakke.

AGP for Respondents – State : Mr. N. D. Batule

Advocate for Respondent No.2 : Mr. S. B. Parnere

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 08 JULY 2025

PER COURT :

1. The present application is filed by the original land owner for withdrawal of amount of compensation deposited by the acquiring body with this Court. The land acquisition officer has awarded compensation treating the acquired land to be a dry crop land at the rate of Rs. 35,000/- per hectare. The learned counsel for the applicants states that the compensation should have been awarded treating the land as irrigated land since there is an entry regarding existence of a well in the 7/12 extract of the acquired land.

2. The learned Reference Court has computed compensation for

dry crop land at Rs. 64,000/- per acre and has awarded compensation in the present case at the rate of Rs. 96,000/- per acre treating the acquired land to be a dry crop land. The compensation determined by the learned Reference Court is beyond the four times limit by a sum of Rs. 8000/- per acre. In that view of the matter, the learned counsel for the applicants / land owners states that they should be permitted to withdraw the entire amount deposited along with accrued interest.

3. Learned counsel for the acquiring body opposes the prayer stating that rather than awarding interest from the date of award, the learned Reference Court has awarded interest from the date of Section 4 notification, however, he does not dispute that the amount of compensation determined by the learned Reference Court exceeds the upper limit of Section 4 of the Act by a sum of Rs. 8000/- per acre.

4. The submission of the learned counsel for the acquiring body is that 50% of the amount can be permitted to be withdrawn on furnishing usual undertaking and additional 25% on furnishing solvent surety/security. In that view of the matter, in my considered opinion, it will be expedient in the interest of justice to permit the applicants to withdraw 90% of the amount deposited by the acquiring body with this Court along with accrued interest i.e. 75% on furnishing usual undertaking and 15% on furnishing solvent surety/security.

5. In view of above, civil application is allowed in terms of prayer clauses [B] and [C] and disposed off accordingly.

(ABHAY S. WAGHWASE, J.)