



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

**CIVIL APPLICATION NO.9497 OF 2024
IN FAST NO.22951/2023**

Ramrao s/o. Chandrabhan Vanarse and ors.
VS
Executive Engineer, Minor Irrigation Division 1, Aurangabad

Mr.S.K.Adikine, Advocate for applicants
Mr.S.V.Hange, AGP for respondent no.1
M.A.D.Gade, Advocate for respondent no.2

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 12, 2025

ORDER :-

This application is filed by the claimants seeking withdrawal of award amount deposited by the acquiring body in the First Appeal. It has to be noted that the original claimant - Ramrao is died and his legal representatives from respondent nos.1A to 1G are taken on record in the First Appeals as well as Civil Application for condonation of delay and grant of stay. Likewise, claimant no.2 - Prabhat Wanarase is also expired and his L.Rs. from 2A to 2E are also taken on record by the appellant in the First Appeal as well as the Civil Application for condonation of delay and stay. It is submitted that at present, the Civil Application is being pressed only for applicant nos.1A to 1G. The right to seek withdrawal on behalf of the L.Rs. of deceased respondent no.2 is not being exercised.

2. It is submitted by the applicants that their lands, which were source of their livelihood have been acquired compulsorily by the acquiring body. The rights of the parties and ascertainment of their entitlement as to quantum has been adjudicated by learned trial court after going through the evidence on record. The applicants are in dire need of money. They may not be deprived of their legitimate right to adequate compensation.

3. Mr.Gade, learned counsel for the acquiring body submits that in other matters arising out of same land acquisition proceedings and same award, permission has been granted by this court to the applicants to withdraw 75% of the amount deposited in this court. It is further mentioned that 50% amount is allowed to be withdrawn on furnishing undertaking to the satisfaction of learned Registrar (Judicial) and 25% amount has been allowed to be withdrawn on furnishing solvent security/surety to the satisfaction of learned Registrar (Judicial). As such, Mr.Gade, learned counsel for the acquiring body, fairly concedes that 75% of the deposited amount can be allowed to be withdrawn in the same manner together with accrued interest therein. He places reliance on the order dated 07.05.2024 passed by this Court in Civil Application No.633 of 2024 in FAST No.2742 of 2023 (marked as "X" for identification).

4. Mr.Adkine, learned counsel for the applicants, further submits that applicant nos.3, applicant nos.4A, 4B1 to 4B3 and applicant no.5 may also be permitted to withdraw their share in the same manner as has been permitted to applicant nos.1A to 1G. To this also, Mr.Gade, learned counsel for the acquiring body graciously agrees in the above terms.

5. Hence, the Civil Application is partly allowed. Applicant nos.1A to 1G, 3, 4A, 4B1 to 4B3 and 5 are allowed to withdraw 75% of the amount deposited of their share, on furnishing undertaking to the satisfaction of learned Registrar (Judicial) and 25% amount has been allowed to be withdrawn on furnishing solvent security/surety to the satisfaction of learned Registrar (Judicial)

6. Mr.Adkine, learned counsel for the applicant submits that in view of death of applicant no.2, he would file a separate application on behalf of his legal representatives.

7. Civil Application stands disposed of in the above terms. Liberty to file separate application on behalf of L.Rs. of deceased applicant no.2, which shall be dealt with separately.

[AJIT B. KADETHANKAR, J.]

KBP