



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

**CIVIL APPLICATION NO. 8968 OF 2025
IN FAST/14558/2024**

Vitthal Madan Patil

.. Applicant

Versus

The State Of Maharashtra

Through The Collector, Osmanabad And Others

.. Respondents

Ms. Sakshi Kale, Advocate h/f Mr. A. B. Kale, Advocate for the Applicant.

Mr. R. B. Dhaware, AGP for Respondent Nos. 1 and 2.

Mr. Chetan T. Jadhav, Advocate for Respondent No. 3.

**WITH
CIVIL APPLICATION NO. 8130 OF 2024
IN FAST/14558/2024**

The Executive Engineer, K.K.D.V, Omerga,
Division Osmanabad

.. Applicant

Versus

Vitthal Madan Patil And Others

.. Respondents

Mr. Chetan T. Jadhav, Advocate for the Applicant.

Ms. Sakshi Kale, Advocate h/f Mr. A. B. Kale, Advocate for Respondent No. 1.

Mr. R. B. Dhaware, AGP for Respondent Nos. 2 and 3.

**WITH
CIVIL APPLICATION NO. 8131 OF 2024
IN FAST/14558/2024**

The Executive Engineer, K.K.D.V, Omerga,

Division Osmanabad

.. Applicant

Versus

Vitthal Madan Patil And Others

.. Respondents

Mr. Chetan T. Jadhav, Advocate for the Applicant.

Ms. Sakshi Kale, Advocate h/f Mr. A. B. Kale, Advocate for Respondent No. 1.

Mr. R. B. Dhaware, AGP for Respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.

DATE : 01st OCTOBER, 2025.

PER COURT :-

CIVIL APPLICATION NO. 8968 OF 2025 :

1. Heard the parties.
2. This application is for withdrawal of the amount deposited by the appellant – acquiring body in the office of this Court pursuant to judgment and award passed by the learned Reference Court in a reference under section 18 of the Land Acquisition Act.
3. The application is objected by learned advocate Mr. Jadhav for respondent No. 3. He submits that, in the present case the amount enhanced is almost ten times of the amount awarded by the learned S.L.A.O. Valuation of the trees is wrongly done and more amount is given per tree though the quality of the tree was

not of that high value. He thus opposes the application.

4. Considering the amount involved and that the applicant is original claimant who lost his land, this Court is inclined to pass the following order.

ORDER

(I) The civil application stands partly allowed.

(II) The applicant is permitted to withdraw 50% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking. 25% of the amount is allowed to be withdrawn on furnishing security/surety to the satisfaction of the learned Registrar (Judicial) of this Court. Remaining amount be invested in a fixed deposit in any Nationalized Bank till disposal of the appeal.

(III) The civil application stands disposed of.

CIVIL APPLICATION NO. 8131 OF 2024 :

1. This application is filed by the acquiring body – appellant. The acquiring body has already deposited the amount of compensation along with accrued interest on 08.05.2025 in the

office of this Court.

2. In view of the same, the civil application stands allowed and disposed of.

CIVIL APPLICATION NO. 8130 OF 2024 :

1. Heard.

2. This application is filed for condonation of delay of 687 days caused in filing the first appeal.

3. For the reasons stated in the application, delay stands condoned. The civil application is allowed and disposed of accordingly.

(KISHORE C. SANT, J.)

P.S.B.