



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

71 CIVIL APPLICATION NO. 7788 OF 2025
IN FIRST APPEAL NO. 3082 OF 2024

GIRJAAPA SHIVAJI BIRAJDAR AND OTHERS
VERSUS
THE COLLECTOR OSMANABAD AND OTHERS

...

AND

111 CIVIL APPLICATION NO. 7789 OF 2025
IN FIRST APPEAL NO. 508 OF 2025

SUNIL PANDHITRAO BIRAJDAR AND OTHERS
VERSUS
THE COLLECTOR OSMANABAD

...

AND

112 CIVIL APPLICATION NO. 7790 OF 2025
IN FIRST APPEAL NO. 509 OF 2025

SOPAN CHANDRAPPA KAMBLE DIED THROUGH L.RS. GIRJABAI
SOPAN KAMBLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS

...

Mr. Shashikiran N. Patil – Advocate for Applicants
Mr. D.B. Bhange and Mr. B.A. Shinde – AGP's for Respondent Nos.1
and 2, State
Mr. Rahul A. Tambe – Advocate for Respondent No.3

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CORAM : SHAILESH P. BRAHME, J.
DATE : 28.07.2025

PER COURT :

1. Heard both sides.
2. The applicants are seeking disbursement of amount deposited

by the respondent No.3 – acquiring body in this Court. In pursuance of the interim orders, acquiring body has deposited 75% of the compensation awarded by the Reference Court with accrued interest. Those are sought to be disbursed for the reasons stated in the applications.

3. Reliance is placed on common order 12.04.2024 passed in connected matters permitting the claimants to withdraw the amount deposited in this Court.

4. Learned Counsel for respondent No.3 and learned A.G.P. for respondents, State would oppose the applications and submissions made by the applicants. It is submitted that exorbitant compensation has been granted. The valuer's report was accepted which is prepared behind back of the acquiring body.

5. I have considered rival submissions of the parties in pursuance of earlier order, only 75% of the amount of compensation with accrued interest was directed to be deposited. Considering the grounds of objections raised in the First Appeals instead of directing the acquiring body to deposit entire amount, only 75% amount was directed to be deposited which is sufficient to safeguard the interest

of the respondents. There is no reason to take any different view so far as the disbursement of amount is discussed. I proposed to follow the same course which is followed by the co-ordinate bench of this Court vide order dated 12.04.2024.

6. Though no separate applications are filed for withdrawal of amount in First Appeal Nos.507, 512 and 513 of 2025, as this Court has taken a consistent view of permitting the claimants to withdraw the amount, filing of separate application is formality only.

7. The present appeals are arising out of Benitura Medium Project File No. 2001/LAQ/CR/11. Hence, the following order :

ORDER

- (a) The applications are allowed.
- (b) The applicants are permitted to withdraw the entire amount deposited with this Court, with accrued interest, on furnishing an undertaking that they would deposit the amount, if the impugned judgment and award is reversed.
- (c) The amount be apportioned equally amongst the applicants.

[SHAILESH P. BRAHME, J.]