



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

**CIVIL APPLICATION NO. 8809 OF 2025
IN
FIRST APPEAL STAMP NO. 11102 OF 2025**

Tulshiram Pratap Chavan .. Applicant

Versus

The District Collector through the
Special Land Acquisition Officer
and others

.. Respondents

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

Shri D. B. Bhange, A.G.P. for the Respondent No. 1.

Shri Rahul A. Tambel, Advocate for the Respondent No. 2.

CORAM : SHAILESH P. BRAHME, J.

DATE : 14TH AUGUST, 2025.

FINAL ORDER :

. Heard both sides. The respondent – acquiring body has deposited Rs. 1,90,221/- in this Court, which comes to 70.8% of the total amount of compensation. It is contended that respondent was expected to deposit only 60% of the amount, but more than that amount has been deposited.

2. Learned counsel for the applicant submits that the amount deposited is very paltry. In other cases deposits were sizable and, therefore, claimants were permitted to receive 60% of the amount. If the applicant is permitted to receive only 60% of the deposited amount, then very meager figure would be disbursed.

3. Learned counsel Mr. Tambe vehemently opposes the submissions. It is contended that if the amount deposited is permitted to be withdrawn, then the acquiring body will face hardship because the present order would be cited in receiving the amounts.

4. I have considered rival submissions of the parties. It is necessary to record that present matter is arising out of Project Odhere MIT. It is apparent that the amount deposited is comparatively lessor. Normally when amounts deposited are sizable, then the ratio of permitting the applicants – claimants to receive 60% of the amount can be adhered to. In any way 30% of the amount is still withheld and yet to be deposited, which would protect the interest of the respondent No. 2. In this case 60% of the amount deposited would come to very meager figure. Under these circumstances and being exceptional case, this Court is permitting the applicant to receive the amount deposited in this Court.

5. The civil application is partly allowed permitting the applicant to receive entire amount deposited in this Court with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Needless to state that the present minutes of the order cannot be cited as precedent. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Aug. 25