



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

969 CIVIL APPLICATION NO. 9733 OF 2025
IN FA/2522/2024

MAHAMAD MUSTAK FAKRODDIN KURESHI AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS

...
Mr. Patil Laxmikant C, Advocate for Applicants
Mr. S. S. Dande, AGP for Respondents-State
Mr. A. S. Shelke, Advocate for Respondent No.3

...
WITH
CIVIL APPLICATION NO. 10298 OF 2024
IN FA/2522/2024

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION OMERGA OSMANABAD
VERSUS
MAHAMAD MUSTAK FAKRODDIN KURESHI AND ORS

...
Mr. Avishkar Sukhdeo Shelke, Advocate for Applicant
Mr. L. C. Patil, Advocate for Respondent Nos.1 and 2

...
CORAM : AJIT B. KADETHANKAR, J.
DATE : 10th SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 9733 OF 2025

1. This Civil Application is filed by the applicants for withdrawal of the amount deposited by the respondent/acquiring body in this Court pursuant to the judgment and award dated 08.08.2023,

passed by the learned Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference No.375/2014.

2. Mr. Patil, learned counsel for the applicants places reliance on order dated 11.09.2023 passed in Civil Application No.11212 of 2023 in FAST/19310/2021, wherein this Court permitted withdrawal of 70% of the total compensation awarded by the Reference Court, together with interest accrued thereon. Mr. Patil submits that present matter arises out of the same land acquisition proceedings and the same award which is subject matter in the present appeal. Hence on the ground of parity, he prays to allow the application.

3. Mr. Shelke, learned counsel for the acquiring body agrees that the order cited (supra) is in respect of the same proceedings and award. However, he clarifies that the 75% amount that was withdrawn in that case was out of 90% amount that was deposited by the acquiring body therein. In view of this, in my opinion, ends of justice could be achieved by permitting the applicants, to withdraw 65% of the deposited amount by the acquiring body in this Court. Hence I pass the following order:-

ORDER

- a. Civil Application is partly allowed.
- b. Applicants are permitted to withdrawn 65% of the

deposited amount along with accrued interest thereon by the acquiring body in this Court subject to furnish usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

c. Civil Application is disposed of.

CIVIL APPLICATION NO. 10298 OF 2024

1. It is submitted that pursuant to the stay granted by this Court to the execution and operation of the impugned judgment and award in the First Appeal, the acquiring body has deposited entire payable award amount in this Court.

2. In view of this, stay granted earlier is made absolute.

3. Civil Application is allowed in terms of prayer clause “B”.

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1. Issue notice to the respondents.

2. Mr. Patil, learned counsel waives service of notice for respondent nos.1 and 2. Mr. Dande, learned AGP waives service of notice for respondent nos.3 and 4/State.

[AJIT B. KADETHANKAR, J.]