



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

**916 CIVIL APPLICATION NO. 10170 OF 2024
IN RAST/31454/2023**

Murlidhar Rama Veer and others

....Applicants

VERSUS

The Executive Engineer Minor
Irrigation Div. No. 1 and others

.....Respondents

.....

Mr. Kedar Balbhim R., Advocate for the Applicants

Mr. P. K. Lakhotiya, AGP for Respondents – State

Mr. S. C. Arora, Advocate for Respondent No.1 – Acquiring Body

Ms. Vikhyati Jain h/f Ms. Anjali Dube, Advocate for Applicant in CA
No.486/2024

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**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 12.06.2025

PER COURT :

1. This is an Application filed by the Applicants / Original Petitioners for withdrawal of 50% of the amount, which is deposited by Respondent No.1 – Acquiring Body.

2. Heard the learned Advocate for the Applicants / Original Petitioners and the learned Advocate for Respondent No.1 – Acquiring Body.

3. The learned Advocate for the Applicants / Original Petitioners submits that, the Petition i.e. Writ Petition No.2806/2020 has been finally heard and decided by this Court by the Judgment and Order dated 09/12/2021. He submits that, Respondent No.1 – Acquiring Body had filed Review Application in the said Writ Petition with Application for condonation of delay. He submits that, this Court,

after hearing both the sides, had dismissed the Application for condonation of delay by order dated 18/03/2025. He submits that, therefore, the Applicants be permitted to withdraw the amount deposited by Respondent No.1 – Acquiring Body along with interest accrued thereon.

4. The Application is opposed by the learned Advocate for Respondent No.1 – Acquiring Body. He submits that, the Applicants had consciously executed the Agreement and Sale Deed of the lands. He submits that, after consciously accepting the rate of the lands as per ready reckoner and also accepting the alternate lands, the Petitioners had approached this Court in Writ Petition No.2806/2020, which came to be allowed. He submits that, the amount is huge and, therefore, the Application may not be granted. He submits that, the withdrawal may be allowed subject to furnishing Bank Guarantee. He submits that, he has instructions from Respondent No.1 - Acquiring Body to challenge the order of District Level Committee.

5. After hearing both the sides and considering that the Writ Petition was finally heard and disposed off and the said Judgment has attained finality, there is no question of rejecting the Application for withdrawal of the amount or asking the Applicants any security against the withdrawal of the amount.. Applicant No.1 – Murlidhar Rama Veer is no more and his legal heirs are brought on record as Respondent Nos.1-A to 1-D. The amount sought to be withdrawn is Rs.4,02,52,837/- [Rupees Four Crores Two Lakhs Fifty Two Thousand Eight Hundred Thirty Seven]. Considering all these aspects, we permit the Applicants to withdraw the said amount along with interest accrued thereon as per the Award. The amount is lying in this Court and, therefore,

the Registrar [Judicial] of this Court shall permit the withdrawal after verifying the necessary documents and also Succession Certificate in respect of the legal heirs of Deceased – Applicant No.1.

6. Civil Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

[R. G. AVACHAT, J.]

Sameer/June-2025