



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

**CIVIL APPLICATION NO.10485 OF 2025
IN FIRST APPEAL NO.3751/2023**

Rangnath Tukaram Kawade, died, through L.RS.
VS.
State of Maharashtra and ors.

Mr.L.C.Patil, Advocate for applicants
Mr.S.S.Dande, AGP for respondent no.1
Mr.B.R.Surwase, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 25, 2025

ORDER :-

Pursuant to the stay granted by this court in First Appeal No.3751/2023, the acquiring body/appellant has deposited the entire payable amount together with interest accrued thereon in this court. It is on this background, the applicants have filed this application, seeking withdrawal of amount deposited by the acquiring body.

2. Mr.L.C.Patil, learned counsel for the claimants, places reliance on the **order dated 03.02.2025, passed by this court in Civil Application No.1159 of 2024 in FA No.3442/2022 with connected matters** and another **order dated 25.03.2025 in Civil Application No.3355/2025 in FAST No.8274/2022**. Mr.Patil would submit that in those matters, this court permitted the applicants

therein to withdraw 75% of the deposited amount, on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) and also 25% amount, on furnishing solvent security/surety. He submits that the subject-matter, i.e. the land acquisition proceedings and the notification in the cited matters and the present First Appeal is same. He submits that the grounds of appeal of the acquiring body in the cited matters and present appeals are also same. With this, prays for allowing the claimants to withdraw the deposited amount as per the cited matters.

3. On the contrary, Mr.Survase, learned counsel for the acquiring body, raised objection for withdrawal of the entire deposited amount, on the ground that the valuation of trees, is the material difference between the two sets of appeals, i.e. cited matters and the present appeal. Mr.Survase, in all fairness, submits that the acquiring body may not have any objection for withdrawal of 75% of the deposited amount by the claimants, since earlier orders have considered the objections of the acquiring body and then and then only, withdrawal was permitted.

4. Having heard both sides, I find that today, the award stands in favour of the claimants. The claimants have lost their immovable properties, i.e. lands, in the compulsory acquisition.

Their entitlement has been assessed by the reference on the basis of the evidence and the facts before it. Now, the question is about the difference in terms of enhancement referring to the valuation of the trees.

5. In view of the above, I deem it appropriate to pass the following order:-

- (i) Civil Application is allowed.
- (ii) The applicants-claimants are permitted to withdraw the entire deposited amount by the acquiring body in this court with interest accrued thereon, on furnishing usual undertaking. The applicants-claimants shall also furnish solvent security/surety to the satisfaction of learned Registrar (Judicial) for 50% of the amount allowed to be withdrawn.
- (iii) The application stands disposed of.

[AJIT B. KADETHANKAR, J.]

KBP