



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

**45 CIVIL APPLICATION NO. 11348 OF 2025
IN FA/287/2025**

KALYAN RAMRAO PATIL AND ORS

VERSUS

THE STATE OF MAHARSHTRA THROUGH COLLECTOR, OSMANABAD AND
OTHERS

WITH

CIVIL APPLICATION NO. 9681 OF 2024 IN FA/287/2025

THE EXECUTIVE ENGINEER, SEENA KOLEGAON PROJECT, PARANDA,
DIST. OSMANABAD.

VERSUS

KALYAN RAMRAO PATIL AND ORS

Mr. A.S. More, Advocate for the applicants-claimants.

Ms.R.R. Tandale, AGP for the State.

Mr. R.A. Tambe, Advocate for the Acquiring Body.

CORAM : KISHORE C. SANT, J.

DATE : 13.10.2025

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

01. Heard learned Advocates for the parties. This application is for withdrawal of the amount deposited by the Acquiring Body-appellant in the office of this Court. The amount is towards compensation of house property. The learned Special Land Acquisition Officer has granted compensation of Rs. 46,686/-. The learned Reference Court on the basis of report of valuer enhanced the amount of house property to Rs. 3,59,950/-.

02. Learned Advocate Mr. Tambe vehemently opposes this application. He submits that the valuer's report is not prepared by

himself but it is prepared by some other person and the same is prepared without giving notice to the Acquiring Body. The learned Reference Court failed to appreciate that the valuer's report is not properly prepared.

03. Since the amount deposited is only 75% of the amount as per the judgment and award, this Court is inclined to allow the application. No purpose would be served by keeping the amount idle in the office of this Court. Hence, following order :-

- i) The applicants are permitted to withdraw 75% of the amount deposited in the office of this Court along with accrued interest on furnishing usual undertaking.
- ii) Further 25% of the deposited amount is permitted to be withdrawn along with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

CIVIL APPLICATION FOR STAY

01. Since 75% of the amount is already deposited in the office of this Court, this application for stay is allowed in terms of prayer clause (B).

[KISHORE C. SANT, J.]