



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

CIVIL APPLICATION NO. 10318 OF 2025
IN FA/512/2025

Ashok Ramchandra Birajdar
VERSUS
The State Of Maharashtra Through Collector And Others

Mr.S.N.Patil, Advocate for applicant
Mr.S.S.Dande, AGP for respondent/State authorities

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Feeling aggrieved by the judgment and award dated 03.05.2023, passed by learned C.J.S.D., Omerga, in LAR No.357 of 2014, the acquiring body has filed the First Appeal, challenging the quantum granted by learned reference court. The appeal is arising out of Benitura Medium Project File No.2001/LAQ/CR/11.

2. This is an application by the claimant for withdrawal of the amount deposited by the acquiring body while securing stay to the impugned judgment and award. The acquiring body has deposited 75% of the total amount payable award amount in this court, under the orders of this court.

3. Mr.S.N.Patil, learned counsel for the applicant – claimant, submits that the house property of the claimant has been acquired in the compulsory acquisition. The reference court has rightly determined the quantum of compensation. He relies on the order dated 28.07.2025, passed by this court in **Civil Application No.7788/2025 in First Appeal No.3082/2024 (Girjappa Shivaji Birajdar and ors. Vs. Collector, Osmanabad and ors) with connected matters**. He submits that the cited matters arose out of the same land acquisition proceedings, notification and the award, which is under challenge in the present appeal. He would submit that objections of the acquiring body in the cited matter and the present appeal are also same. In the cited matters, this court permitted the applicants therein to withdraw the entire amount deposited by the acquiring body, on furnishing undertaking. He seeks same order in the present application also, on the principle of parity.

4. Mr.Tambe, learned counsel for the acquiring body, does not dispute the above factual position of passing of the cited orders and the submissions made by learned counsel for the claimant.

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

- (i) The application is allowed.
- (ii) The applicant is permitted to withdraw the entire amount deposited with this court, with accrued interest thereon, on furnishing an undertaking that he would deposit the amount, if the impugned judgment and award is reversed.

[AJIT B. KADETHANKAR, J.]

KBP