



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

968 CIVIL APPLICATION NO. 9731 OF 2025
IN FA/462/2025

ASHOK SHAMSUNDER MANIYAR

VERSUS

THE STATE OF MAHRASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS

...

Mr. Patil Laxmikant C, Advocate for Applicant (respondent in First Appeal)

Mr. S. S. Dande, AGP for Respondents-State

Ms. Sunita D. Shelke, Advocate for Respondent No.3

...

WITH

CIVIL APPLICATION NO. 9730 OF 2025
IN FA/461/2025

SANJAY SHYAMSUNDAR MINIYAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS COLLECTOR
OSMANABAD AND ORS

...

Mr. Patil Laxmikant C, Advocate for Applicant (respondent in First Appeal)

Mr. S. S. Dande, AGP for Respondents-State

Ms. Sunita D. Shelke, Advocate for Respondent No.3

...

WITH

CIVIL APPLICATION NO. 11154 OF 2024
IN FA/462/2025

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, MAJBUTIKARN
DIVISION, OMERGA AND ORS

VERSUS

ASHOK SHAMSUNDAR MINIYAR

...

Ms. Shelke Sunita Dashrathrao, Advocate for Applicant

...

WITH

CIVIL APPLICATION NO. 11156 OF 2024
IN FA/461/2025

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, MAJBUTIKARN
DIVISION, OMERGA AND ORS

VERSUS

SANJAY SHAMSUNDAR MINİYAR

...

Ms. Shelke Sunita Dashrathrao, Advocate for Applicant

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 10th SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 9731 OF 2025 (Withdrawal)

1. This Civil Application is filed by the applicant 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, Omerga, at Osmanabad, in Land Acquisition Reference No.361/2015.

2. It is submitted that execution and operation of the impugned judgment and award in the appeal is stayed by this Court by imposing rider on the acquiring body to deposit entire payable award amount in this Court. Undisputedly, the acquiring body has complied with the condition and has deposited the entire payable award amount in this Court. In view of this, Mr. Patil, learned counsel for the applicant submits that the award amount deposited by the acquiring body be permitted to be withdrawn by the applicant. He places reliance on order dated 17.12.2024 in Civil Application No.13234 of 2024 in FAST/23645/2021 with connected matters, wherein 75% of the

deposited amount is allowed to be withdrawn together with accrued interest on usual undertaking and 25% amount with accrued interest on solvent surety/security. With this, he prays to allow the application. Mr. Patil submits that FAST/23645/2021 arises out of the same land acquisition proceedings and award which is subject matter of the present appeal.

3. Mrs. Shelke, learned counsel for the acquiring body fairly conceded to the said position. Hence, I pass the following order :-

ORDER

- a. Civil Application is partly allowed.
- b. Applicant is permitted to withdraw 75% of the deposited amount along with accrued interest on giving usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. Applicant is also permitted to withdraw 25% of the deposited amount along with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Civil Application stands disposed of.

CIVIL APPLICATION NO. 9730 OF 2025 (withdrawal)

1. This Civil Application is filed by the applicant 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, Omerga, at Osmanabad, in Land Acquisition Reference No.362/2015.

2. It is submitted that execution and operation of the impugned judgment and award in the appeal is stayed by this Court by imposing rider on the acquiring body to deposit entire payable award amount in this Court. Undisputedly, the acquiring body has complied with the condition and has deposited the entire payable award amount in this Court. In view of this, Mr. Patil, learned counsel for the applicant submits that the award amount deposited by the acquiring body be permitted to be withdrawn by the applicant. He places reliance on order dated 17.12.2024 in Civil Application No.13234 of 2024 in FAST/23645/2021 with connected matters, wherein 75% of the deposited amount is allowed to be withdrawn together with accrued interest on usual undertaking and 25% amount with accrued interest on solvent surety/security. With this, he prays to allow the application. Mr. Patil submits that FAST/23645/2021 is arise out of the same land acquisition proceedings and award which is subject matter of the present appeal.

3. Mrs. Shelke, learned counsel for the acquiring body fairly conceded to the said position. Hence, I pass the following order :-

ORDER

- a. Civil Application is partly allowed.

- b. Applicant is permitted to withdraw 75% of the deposited amount along with accrued interest on giving usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. Applicant is also permitted to withdraw 25% of the deposited amount along with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Civil Application stands disposed of.

CIVIL APPLICATION NO. 11154 OF 2024 (Stay)

CIVIL APPLICATION NO. 11156 OF 2024 (Stay)

1. It is submitted that the acquiring body has deposited the entire payable award amount in this Court pursuant to the rider imposed by this Court while staying execution and operation of the judgment and award impugned in the First Appeal.
2. In view of this, the stay granted earlier is made absolute.
3. Civil Application are allowed in terms of prayer clause "B".

FA/461/2025 AND FA/462/2025

1. Admit.
2. Mr. Patil waives service of notice for the sole respondent.

[AJIT B. KADETHANKAR, J.]