



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

CIVIL APPLICATION NO. 9767 OF 2025 (withdrawal of amount)
IN FA/429/2025

Bhika Lakshman Tarte And Anr

VS.

The State Of Maharashtra Through Special Land Acquisition Officer,
Collector Krushna Khore Aurangabad

Mr.D.A.Bide, Advocate for applicants
Mr.S.S.Dande, AGP for State

AND

CIVIL APPLICATION NO. 12190 OF 2024 (for stay)
IN FA/429/2025

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 18, 2025

ORDER :-

As against the judgment and award dated 11.10.2018, passed by learned 4th Jt. C.J.S.D., Aurangabad, in LAR No.111/2010, the acquiring body has preferred this appeal

2. Pursuant to the order passed by this court on 26.11.2024, whereby, the execution and operation of the judgment and award is stayed, the acquiring body has deposited total award amount in this court. Hence, by present Civil Application, the claimants seek withdrawal of the awarded amount.

3. Mr.Bide, learned counsel for the applicants, submits that the claimant's entitlement has been assessed by learned reference court upon scrutiny of the entire evidence and considering the matter judiciously. In the submission of the claimants, there could be no objection by the acquiring body for the enhancement that is granted by learned reference court. In view of this, the applicants seek withdrawal of the entire amount deposited by the acquiring body in this court.

4. Per contra, Mr.Dande, learned AGP, vehemently, opposed the withdrawal of entire deposited amount. He would submit that the proportion of the enhancement granted by learned trial court is highly objectionable. He would oppose the valuation of the trees for which, according to him, exaggerated amount of compensation has been awarded to the claimants. Mr.Dande, in all fairness, submits that it is undisputed that the applicants' land has been acquired in the compulsory acquisition and they are entitled for proportionate enhancement. He, however, harps on that such compensation is, at least, in his submission, 25% excess than what the claimants are entitled.

5. In view of the above, I pass the following order:-

(i) The claimants are permitted to withdraw 60% of the deposited amount, on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial). They are further permitted to withdraw 15% of the deposited amount, on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial)

(ii) Rest of the amount be deposited in the Fixed Deposit.

(iii) Civil Application stands disposed of accordingly.

C.A. for Stay:-

6. In view of the fact pursuant to the order passed by this court, the appellants/acquiring body has deposited entire awarded amount in this court, this Civil Application for stay stands allowed in terms of prayer clause (B). Stay granted earlier is made absolute. The Civil Application stands disposed of.

[AJIT B. KADETHANKAR, J.]

KBP