



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

16 CIVIL APPLICATION NO. 5512 OF 2023
IN FA/1867/2020

Rustumkhan Mehboobkhan Pathan And Anr
Versus
State Of Maharashtra Through The Collector, Osmanabad And Others
.....

AND

17 CIVIL APPLICATION NO. 6091 OF 2023
IN FA/1866/2020

Dildarkhan Mehboobkhan Pathan And Ors
Versus
State Of Maharashtra Through The Collector, Osmanabad And Others
.....

AND

18 CIVIL APPLICATION NO. 6101 OF 2023
IN FA/1869/2020

Mehboobkhan Mahamadkhan Pathan Died Through His Lrs.
Rustumkhan Mehboobkhan Pathan And Ors
Versus
State Of Maharashtra Through The Collector Osmanabad And Ors
.....

In all the matters :

Shri. Shaikh Shoyab Mohd Israil, Advocate for the Applicants
Shri. D. J. Patil, Shri. R. B. Dhaware, Shri. Rajdeep D. Raut, AGPs for the
Respondent / State in the respective matters.
Shri. A. M. Gaikwad, Advocate for Respondent No.2
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CORAM : NEERAJ P. DHOTE, J.

Dated : APRIL 21, 2025

PER COURT :-

. These are the Applications by the Orig. Claimants, who are the Respondents in the Appeals, for withdrawal of the remaining 50% amount deposited by the Acquiring Body with this Court.

2. Heard the learned Advocate for the Applicants / Claimants, the learned Advocate for the Acquiring Body and the learned AGP for the State.

3. The First Appeals are filed by the Acquiring Body. The First Appeal Nos.1867 of 2020, 1866/2020, 1869/2020 are filed against the common Judgment and Award dated 17.02.2014 passed in LAR Nos.523/2001, 521/2001 and 600/2000, respectively. There is no dispute that the Applicants were permitted to withdraw 50% amount of the total amount compensation deposited by the Acquiring Body with this Court, by order dated 15.03.2019 passed by this Court in Civil Application Nos. 1604/2019, 1600/2019 and 1603/2019. There is no dispute that the Judgment and Award passed in the aforesaid LARs is based on the Judgment and Award in LAR Nos.247/2010, 246/2010, 248/2010 and other connected LARs. There is no dispute that the Claimant in LAR No.247/2010, by name Amol Chandrahas Patil, approached the Hon'ble Supreme Court of India in Civil Appeal No.348 of 2022 arising from SLP No.20264/2021 wherein the present Appellant

– Acquiring Body was the Respondent. In the said Civil Appeal the Hon'ble Supreme Court of India passed the following order on 12.01.2022, which reads as under :

“In view of order dated 11th September, 2015 passed in Civil appeal Nos.7070-7071 of 2015 [Baburao s/o. Govindrao Gaikwad & Anr. vs. The State of Maharashtra & Ors.], the present appeal is also disposed of by directing that 50% of the enhanced compensation granted to the appellant shall be released without furnishing security, whereas balance of 50% shall be released to him on furnishing security to the satisfaction of the Reference Court.

The appeal is accordingly disposed of.”

4. There is no dispute that, LAR, in which, the Hon'ble Supreme Court of India has permitted the Claimants therein to withdraw entire 100% amount (50% on furnishing Security and 50% without Security) and the LAR's which are subject matter of present Appeals, arise out of the same Project and same Award. Both the sides agree that on the ground of parity the Applications may be allowed.

5. The learned Advocate for the Applicants submits that the Applicants will furnish Security against the remaining withdrawal of 50% amount.

6. In view of above, the Applicants are permitted to withdraw remaining 50% amount deposited by the Acquiring Body

on furnishing Solvent Surety / Security to the satisfaction of the Registrar (Judicial) of this Court.

7. The Applications stand disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP