



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
8 CIVIL APPLICATION NO. 4542 OF 2025
IN FA/3949/2019**

Sopan Daji Gadhave Died His Lrs
Narayan Sopan Gadave And OthersApplicants

VERSUS

The State Of Maharashtra And AnotherRespondents

.....

Mr. Barate Annasaheb Rajendra, Advocate for Applicants
Mr. D. J. Patil, AGP for the Respondents - State

.....

CORAM : NEERAJ P. DHOTE, J.
DATE : 28.04.2025

PER COURT :

1. This is an Application for withdrawal of the entire amount by the Original Claimants, which is deposited by the State in this Court. The State has preferred the Appeal against the Judgment and Award dated 29/03/2010, passed by the learned 2nd Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference [LAR] No.174/2001.

2. According to the learned Advocate for the Applicants, the identical Appeals arising out of the same project bearing First Appeal Nos.463 and 464/2016 finally decided by this Court vide order dated 29/06/2017 and the Appeals preferred by the State came to be dismissed. He submits that, therefore, the Applicants be allowed to withdraw the entire amount.

3. The learned AGP appearing for the State does not dispute the aforesaid aspect that, the Appeals arising out of the same Project, preferred by the State are dismissed by this Court vide the above referred order.

4. A copy of the order made available by the learned Advocate for the Applicants shows that, the Reference Court in the Award impugned in those Appeals had awarded compensation of Rs.50,000/- per acre and in the case at hand also, the compensation enhanced is @ Rs.50,000/- per acre. The Appeals arise out of the same project i.e. '*Bhoom Percolation Tank*'. Hence, the Application is allowed in the following terms :-

[a] The Applicants are allowed to withdraw the entire amount deposited by the Appellant - State along with interest accrued thereon. 75% amount is allowed to be withdrawn by tendering usual undertaking by the Applicants to the satisfaction of the Registrar [Judicial] of this Court and the remaining 25% amount is to be withdrawn on furnishing Solvent Surety / Security / Bank Guarantee to the satisfaction of the Registrar [Judicial] of this Court.

[b] Civil Application stands disposed off accordingly.

5. Appeal be kept for final hearing on 05/05/2025.

[NEERAJ P. DHOTE, J.]