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955-CA-4873-25

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

955 CIVIL APPLICATION NO. 4873 OF 2025 IN FAST/25516/2023

MOHINIRAJ GANPATRAO KATIKAR AND ORS

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. L.C. Patil

AGP for Respondent No.1 : Mr. S. P. Joshi

Advocate for Respondent No.2 : Mr. R. A. Tambe

...

WITH

CIVIL APPLICATION NO. 4874 OF 2025 IN FAST/25408/2023

SUDHAKAR S/O WAMANACHARYA AHANKARI

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr. L.C. Patil

AGP for Respondent No.1 : Mr. S. P. Joshi

Advocate for Respondent No.2 : Mr. R. A. Tambe

WITH

CIVIL APPLICATION NO. 10867 OF 2023 IN FAST/24798/2023

THE EXECUTIVE ENGINEER PROJECT STENGHTHENING DIVISION

OMERGA DIST OSMANABAD

VERSUS

**MADHUKAR WAMANACHARYA AHANKARI (DIED) THR LRS. SUDHAKAR
AND ORS**

...

Advocate for Applicant : Mr. R. A. Tambe

WITH

CIVIL APPLICATION NO. 10871 OF 2023 IN FAST/25408/2023

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT STRENGTHENING
DIVISION OMERGA AND ANR

VERSUS

SUDHAKAR WAMANCHARAYA AHANKARI

...

Advocate for Applicants : Mr. R. A. Tambe

WITH

CIVIL APPLICATION NO. 10869 OF 2023 IN FAST/25516/2023

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT STRENGTHENING
DIVISION OMERGA DIST OSMANABAD AND ANR

VERSUS

MOHINIRAJ GANPATRAO KATIKAR AND ORS

...

Advocate for Applicants : Mr. R. A. Tambe

...

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 30.04.2025

PER COURT :-

CIVIL APPLICATION NO. 4873 OF 2025 IN FAST/25516/2023

1. This is an application seeking withdrawal of the amount deposited by the acquiring body in this Court. The proceedings are with respect to project having File No. 1999/LNQ/KK/CR-29.

2. Learned Advocate for the applicants submits that in identical cases from the same project, orders are passed by this Court permitting

withdrawal of amounts and produces on record orders passed by this Court dated 05.12.2017 and 02.08.2019, in which this Court directed the applicants in those applications to withdraw the amount of 50% of the deposited amount on furnishing usual undertaking and remaining 25% of the deposited amount was directed to be withdrawn on furnishing solvent surety to the satisfaction of the learned Registrar (Judicial) of this court. Thus, it would be appropriate to pass similar order in the present case. Hence, the following order :

ORDER

- i. The Civil Application is allowed.
- ii. The applicants are permitted to withdraw 50% of the amount deposited with accrued interest on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this court. Further 25% of the amount deposited with accrued interest to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- iii. The Civil Application is accordingly disposed of.

CIVIL APPLICATION NO. 4874 OF 2025 IN FAST/25408/2023

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respect to project having File No. 1999/LNQ/KK/CR-29.

2. Learned Advocate for the applicants submits that in identical cases from the same project, orders are passed by this Court permitting withdrawal of amounts and produces on record orders passed by this Court dated 05.12.2017 and 02.08.2019, in which this Court directed the applicants in those applications to withdraw the amount of 50% of the deposited amount on furnishing usual undertaking and remaining 25% of the deposited amount was directed to be withdrawn on furnishing solvent surety to the satisfaction of the learned Registrar (Judicial) of this court. Thus, it would be appropriate to pass similar order in the present case. Hence, the following order :

ORDER

- i. The Civil Application is allowed.
- ii. The applicants are permitted to withdraw 50% of the amount deposited with accrued interest on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this court. Further 25% of the amount deposited with accrued interest to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

iii. The Civil Application is accordingly disposed of.

CIVIL APPLICATION NO. 10867 OF 2023 IN FAST/24798/2023

1. By order dated 29th August 2023, *interim relief* in terms of prayer clause “B” was granted subject to deposit of 75% of the amount of compensation along with proportionate interest within the period of twelve weeks. Adv. Tambe, Learned Advocate for the applicant submits that the amount of 75% as directed is deposited within the time. The learned counsel for the respondents does not dispute the position.

2. In view of this, *interim relief* granted by order dated 29th August 2023 stand confirmed.

CIVIL APPLICATION NO. 10871 OF 2023 IN FAST/25408/2023

1. By order dated 29th August 2023, *interim relief* in terms of prayer clause “B” was granted subject to deposit of 75% of the amount of compensation along with proportionate interest within the period of twelve weeks. Adv. Tambe, Learned Advocate for the applicant submits that the amount of 75% as directed is deposited within the time. The learned counsel for the respondents does not dispute the position.

2. In view of this, *interim relief* granted by order dated 29th August

2023 stand confirmed.

CIVIL APPLICATION NO. 10869 OF 2023 IN FAST/25516/2023

1. By order dated 29th August 2023, *interim relief* in terms of prayer clause “B” was granted subject to deposit of 75% of the amount of compensation along with proportionate interest within the period of twelve weeks. Adv. Tambe, Learned Advocate for the applicant submits that the amount of 75% as directed is deposited within the time. The learned counsel for the respondents does not dispute the position.

2. In view of this, *interim relief* granted by order dated 29th August 2023 stand confirmed.

(PRAFULLA S. KHUBALKAR, J.)

PRW