

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

914 CIVIL APPLICATION NO.4912 OF 2025
IN FA/390/2021

Shahenavajbi A. Salim Deshmukh And Ors

Versus

The State Of Maharashtra Through The Collector, Jalgaon

.....

AND

CIVIL APPLICATION NO. 4913 OF 2025
IN FA/389/2021

Abdul Salim A. Khalil Deshmukh And Ors

Versus

The State Of Maharashtra Through The Collector, Jalgaon

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In both the Applications :

Shri. Ajeet B. Kale, Advocate for the Applicants
Shri. D. J. Patil, AGP for the Respondent / State.
Shri. A. D. Pawar, Advocate for Respondent No.3

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CORAM : NEERAJ P. DHOTE, J.

Dated : APRIL 29, 2025

PER COURT :-

. These are the Applications by the Orig. Claimants / Respondents in the Appeal for withdrawal of remaining 50% amount deposited by the Acquiring Body along with interest accrued thereon.

2. The learned Advocate for the Applicants / Claimants submits that this Court has permitted the Applicants to withdraw 50% amount and thereafter the Acquiring Body has deposited the remaining 50% amount in this Court along with interest accrued thereon. He submits that many

matters arising out of the same acquisition proceedings were settled between the Claimants therein and the Acquiring Body by entering into the terms and conditions. He submits that the Acquiring Body has also withdrawn some of the matters arising out of the same acquisition proceedings. He submits that in this view of the matter, the Applications be allowed.

3. The Applications are vehemently opposed by the learned Advocate for the Acquiring Body. He submits that there were no trees mentioned in the Report of the Agricultural Officer and on the other hand, trees were shown in the Report made by Private Valuer. He submits that parity cannot be applied to the matters on hand. He fairly submits that some of the Appeals were withdrawn for the reasons mentioned in the respective order. He submits that the Applications be rejected.

4. The learned AGP appearing for the Respondent – State submits that appropriate orders be passed.

5. In view of the above factual aspects and after hearing both the sides, I consider that the Applicants can be allowed to withdraw remaining 50% amount, subject to furnishing usual undertaking against 25% amount and furnishing solvent surety / surety / Bank Guarantee against 25% amount. This would secure the interest of the Acquiring

Body in respect of the contention regarding trees. Hence, the following order :

ORDER

- (i) The Applications are allowed.
- (ii) The Applicants / Claimants are permitted to withdraw 50% remaining amount along with interest accrued thereon on the following conditions :
 - (a) The Applicants / Claimants are permitted to withdraw 25% amount along with interest accrued thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
 - (b) The Applicants / Claimants are permitted to withdraw remaining 25% amount along with interest accrued thereon on furnishing Security / Surety / Bank Guarantee to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) It is made clear that no application for release of Security / Surety / Bank Guarantee would be entertained till the Appeals are finally heard.

(NEERAJ P. DHOTE, J.)