

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

916 CIVIL APPLICATION NO. 4922 OF 2025
IN FAST/15676/2020

Bebabai Raosaheb Patil And Ors

Versus

The State Of Maharashtra And Others

.....

AND

CIVIL APPLICATION NO. 4923 OF 2025
IN FAST/15688/2020

Dhananjay Onkar Patil And Ors

VERSUS

The State Of Maharashtra And Others

.....

AND

CIVIL APPLICATION NO. 4924 OF 2025
IN FAST/15685/2020

Sumanbai Shrawan Patil And Ors

VERSUS

The State Of Maharashtra And Others

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In all the matters :

Shri. Ajeet B. Kale, Advocate for the Applicants
Shri. Rajdeep D. Raut, AGP for Respondent / State.
Shri. A.D. Pawar and Smt. Vaishali D. Jadhav,
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 Respondents / Orig. Claimants
in the Appeal for withdrawal of remaining amount deposited by the
Acquiring Body along with interest accrued thereon.

2. The learned Advocate for the Applicants / Claimants submits that this Court, in connected matters arising out of the same acquisition proceedings i.e. in Civil Application No.4106 of 2025 in First Appeal (St.) No.22508 of 2020, by order dated 21.04.2025 permitted the Applicants / Claimants therein to withdraw 75% of the amount deposited by the Acquiring Body, subject to furnishing undertaking, and remaining 25% is directed to be deposited in Fixed Deposit in any Nationalized Bank on yearly basis which would be renewed from time to time till disposal of the Appeal. He submits that these Applications be allowed in terms of the order dated 21.04.2025 passed in the aforesaid matter.

3. The Application is opposed by the learned Advocate for the Acquiring Body. However, he admits that this Court by virtue of the above referred order has permitted the similarly placed Claimants to withdraw 75% of the entire amount and directed to deposit 25% amount in any Nationalized Bank. He submits that appropriate orders be passed.

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

5. There is no dispute that enhancement made by the learned Reference Court is five (5) times of the compensation awarded by the

Spl. Land Acquisition Officer. In connected Appeal arising out of the same acquisition proceedings, this Court permitted withdrawal of 75% amount deposited by the Acquiring Body. The relevant part of the said order dated 21.04.2025 reads as under :

“5. Considering the above submissions, the Applicants are permitted to withdraw 75% of the amount deposited by the Acquiring Body, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The remaining 25% amount be deposited in Fixed Deposit in any Nationalized Bank on yearly basis which would be renewed from time to time till disposal of the Appeals. Applications stand disposed off accordingly.”

6. In view of the above admitted position, the Applicants, who have already withdrawn certain amount, are permitted to withdraw the amount so as to make total withdrawal of 75% of the entire amount deposited by the Acquiring Body with interest accrued thereon on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court. Remaining 25% amount be deposited in Fixed Deposit in any Nationalized Bank on yearly basis which would be renewed from time to time till disposal of the Appeals. Applications stand disposed off.

(NEERAJ P. DHOTE, J.)