

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11312 OF 2025
IN
FIRST APPEAL(ST) NO. 27143 OF 2019

Gunderao S-o. Sidram Patil Died Thr. Lrs. ...Applicant
Versus
The State Of Maharashtra, Thr. Collector Solapur And
Ors. ...Respondent

WITH
INTERIM APPLICATION NO. 11317 OF 2025
IN
FIRST APPEAL(ST) NO. 27129 OF 2019

Sitabai W-o. Krishanath Kolati Since Deceased Thr. Lrs. Krishant
Durgapa Kolati And Ors. ...Applicant
Versus
The State Of Maharashtra, Thr. Collector And Ors. ...Respondent

WITH
INTERIM APPLICATION NO. 11320 OF 2025
IN
FIRST APPEAL(ST) NO. 27152 OF 2019

Mr. Ramchandra Vitthal Sutar And Anr ...Applicant
Versus
The State Of Maharashtra, Through The Collector, ...Respondent

WITH
INTERIM APPLICATION NO. 11319 OF 2025
IN
FIRST APPEAL(ST) NO. 27145 OF 2019

Ballappa M. Gogave Since Dead Thr. Lrs. Nagamma Ballappa Gogave

Died Thr. Lrs. ...Applicant

Versus

The State Of Maharashtra Thr. Collector Solapur And

Ors. ...Respondent

**WITH
INTERIM APPLICATION NO. 11316 OF 2025
IN
FIRST APPEAL(ST) NO. 27129 OF 2019**

Sitabai W-o. Krishanath Kolati Since Deceased Thr. Lrs. Krishant

Durgapa Kolati And Ors. ...Applicant

Versus

The State Of Maharashtra, Through Collector ...Respondent

**WITH
INTERIM APPLICATION NO. 11313 OF 2025
IN
FIRST APPEAL(ST) NO. 27143 OF 2019**

Mr. Gunderao S-o. Sidram Patil And Anr. ...Applicant

Versus

The State Of Maharashtra, Through Collector, ...Respondent

**WITH
INTERIM APPLICATION NO. 11321 OF 2025
IN
FIRST APPEAL(ST) NO. 27152 OF 2019**

Mr. Ramchandra Vitthal Sutar Since Dead Thr. Ratnamala R. Sutar

And Ors. ...Applicant

Versus

The State Of Maharashtra, Thr. The Collector And Ors. ...Respondent

**WITH
INTERIM APPLICATION NO. 11318 OF 2025
IN
FIRST APPEAL(ST) NO. 27145 OF 2019**

Ballappa Malkappa Gogave Since Deceased Thr. Lrs. Nagamma
Ballappa Gogave And Ors. ...Applicant
Versus
The State Of Maharashtra Through Collector Solapur ...Respondent

**WITH
INTERIM APPLICATION NO. 11314 OF 2025
IN
FIRST APPEAL(ST) NO. 27149 OF 2019**

Shankar M. Patne Since Dead Thr. Lrs. Mahadevi S. Patne Dead Thr.
Ganesh Shankar Patne And Ors. ...Applicant
Versus
The State Of Maharashtra, Thr. The Collector, Solapur And
Ors. ...Respondent

**WITH
INTERIM APPLICATION NO. 11315 OF 2025
IN
FIRST APPEAL(ST) NO. 27149 OF 2019**

Shankar Malkappa Patne Since Deceased Thr. Lrs. Mahadevi Shankar
Patne And Ors. ...Applicant
Versus
The State Of Maharashtra, Through Collector And Ors. ...Respondent

Mr. Laxmikant Patil for the applicants
Ms. Ratnamala Kabbar for respondents
Dr. A. A. Takalkar APP for the State

CORAM : SHIVKUMAR DIGE, J.
DATE : 22nd DECEMBER, 2025.

P.C.

1. Interim Applications have been preferred seeking withdrawal of the compensation amount which has been deposited before this Court.

2. Learned Counsel appearing for the Applicants submits that the notification under Section 4 of the Land Acquisition Act was issued in or around 2004 and the Award under Section 11 was passed in the year 2005. He submits that the Reference was filed in the year 2016 and the Award came to be passed by the Reference Court in the year 2016 and till year 2024 the Applicants are deprived of the benefits of the Award. He submits that the Applicants are poor agriculturists whose lands have been acquired and they be permitted to withdraw the amount of compensation as the lands were their only source of survival.

3. Per contra, learned Counsel appearing for the Acquiring Body would oppose the Application and would submit that the Appeal has been preferred against the enhancement which was granted by the Reference Court and in event the Appeal succeeds there would be difficulty in recovering the said amount.

4. It cannot be disputed that the Claimants' land have been acquired in the year 2005 and despite receiving the award of enhanced compensation in the year 2016 they have been deprived of the benefits of the said Award. The Appeal has been filed in the year 2019 and might take sometime for it to be finally heard. In my view,

the equity can be balanced by permitting the Claimants to withdraw 50% of the deposited amount.

5. In light of the above, the Interim Applications are partly allowed. The Applicants are permitted to withdraw 50% of the amount alongwith accrued interest, deposited by the acquiring body. The Registry is directed to transfer the 50% of the amount alongwith accrued interest to the Reference Court for the purpose of withdrawal by the Applicants.

6. All the above Interim Applications stand allowed in the above terms.

(SHIVKUMAR DIGE, J.)