

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11304 OF 2025
IN
FIRST APPEAL(ST) NO. 98213 OF 2020

Vijayakumar Aannesha Birajdar ...Applicant
Versus
The State Of Maharashtra Thro. The Collector Solapur And
Ors ...Respondent

WITH
INTERIM APPLICATION NO. 11303 OF 2025
IN
FIRST APPEAL(ST) NO. 98113 OF 2020

Ratnamala W-o. Ramchandera Sutar And Anr. ...Applicant
Versus
The State Of Maharashtra Through The Collector,
Solapur ...Respondent

WITH
INTERIM APPLICATION NO. 11311 OF 2025
IN
FIRST APPEAL(ST) NO. 98106 OF 2020

Tameej Hasan Nadaf ...Applicant
Versus
The State Of Maharashtra Through Collector ...Respondent

WITH
INTERIM APPLICATION NO. 11310 OF 2025
IN
FIRST APPEAL(ST) NO. 98123 OF 2020

Panchappa Gangaram Holle ...Applicant
Versus
The State Of Maharashtra Through Collector ...Respondent

Mr. Laxmikant Patil for the applicants
Ms. Ratnamala Kabbar for respondents
Mr. S. H. Yadav, APP for the State

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

P.C.

1. Leave to file Vakalatnama on behalf of respondents.
2. Interim Applications have been preferred seeking withdrawal of the compensation amount which has been deposited before Reference Court.
3. 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.

4. 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.

5. 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.

6. 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.

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

(SHIVKUMAR DIGE, J.)