



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1403 OF 2019

THE STATE OF MAHARASHTRA & ANR. ..APPELLANTS
VS.
SHRI HARI SAKHARAM CHOWDHARY ..RESPONDENTS

**WITH
INTERIM APPLICATION NO. 11510 OF 2025
IN
FIRST APPEAL NO. 1403 OF 2019**

HARI SAKHARAM CHAUDHARI & ANR. ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Mr. A. R. Patil, AGP for Appellants in FA and for respondents in IA.
Ms. Bharana Khemani i/b. Mr. Ahuja for Applicant in IA and for
Respondent in FA.

CORAM : RAJESH S. PATIL, J.

DATE : 8 SEPTEMBER 2025.

P.C. :

INTERIM APPLICATION NO. 11510 OF 2025 IN FIRST APPEAL NO. 1403 OF 2019:-

- 1.** This Interim Application is filed by the claimants seeking withdrawal of the amount deposited by the State.
- 2.** By an order dated 4 October 2019, this Court while deciding the stay application of the State, directed the State to deposit the

entire Awarded amount in the Reference Court. Pursuant to the said direction, the State has deposited the entire amount along with interest.

3. I have heard learned counsel for both sides and I have gone through the contents of the Interim Application.

4. It is the case of the applicants that they have lost their livelihood way back in the year 2001 when the possession of the subject land was taken away for a public purpose. It is their case that the amount of Award is very meagre. Therefore, the entire amount deposited by the State should be allowed to be withdrawn with accrued interest.

5. In my view, at this stage, suffice would be the purpose, if the Interim Application is allowed with following directions:-

(i) The applicant is permitted to withdraw 50% amount along with accrued interest without any security and the balance amount to be withdrawn by furnishing either a bank guarantee to the tune of 50% amount deposited or else solvent security to that effect.

6. The Interim Application is disposed of accordingly.

7. Parties to act on an authenticated copy of this Order.

FIRST APPEAL NO. 1403 OF 2019:-

8. This is an admitted First Appeal arising out of the Notification under Section 4 of the Land Acquisition Act, dated 20 October 2002, pertaining to village Phanaspada, Taluka Peth, District Nashik for the purpose of “Minor Irrigation Scheme, Solmukh, Sandwa Main Dam and Submergence Area”.

9. Stand over to 24 September 2025, at 3.00 p.m.

(Rajesh S. Patil, J.)