IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO. 671 OF 2026
IN FAST/25067/2025

DNYANDEO LAXMAN HIWALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SPECIAL LAND ACQUISITION OFFICER

WITH CIVIL APPLICATION NO. 9781 OF 2025
IN FAST/25067/2025
WITH CIVIL APPLICATION NO. 9782 OF 2025
IN FAST/25067/2025
WITH CIVIL APPLICATION NO. 7078 OF 2026
IN FAST/25067/2025
WITH CIVIL APPLICATION NO. 13473 OF 2025
IN FAST/25067/2025
WITH CIVIL APPLICATION NO. 9627 OF 2026
IN FAST/25067/2025

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Advocate for Applicant : Mr. Pahune Nandkishor Jayaram.
AGP for Respondent/s-State : Mr. K. S. Patil.
Advocate for Respondent No.2 : Mr. Shambhuraje V. Deshmukh.
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CORAM : MANJUSHA A. DESHPANDE, J.
DATE : 22.10.2026

PER COURT :-

1. Present Civil Application has been filed by the applicant/claimant for withdrawal of the amount of compensation deposited by the respondent/acquiring body. While granting stay to the impugned judgment and award, this Court had directed the appellant/acquiring body to deposit the compensation amount @ Rs.1,64,230/- along with interest

within a period of 16 weeks vide order dated 10.10.2025. Accordingly, an amount of Rs.2,38,13,283/- has been deposited by the acquiring body in this Court on 07.03.2026. In view of the deposit of the amount by the acquiring body, the present Civil Application has been filed by the claimant for withdrawal of the entire amount. It is also alleged by the applicant that, the amount calculated by the acquiring body is short of Rs.26,41,240/-. Therefore, the acquiring body has not complied with the condition of the stay and thus the directions be issued to deposit the residual amount by the respondent/acquiring body along with the prayer for permission to withdraw the amount of Rs.2,38,13,283/- deposited by the appellant in this Court.

2. The reply has been filed by the acquiring body and the learned advocate for the acquiring body submits that, in the first appeals arising out of the same project and the order passed by the same SLAO, this Court has directed the acquiring body to deposit 60% of the amount under the award. Therefore, the applicant may not be permitted to withdraw the entire amount. According to him, the amount deposited by the acquiring body is as per the calculations made by the SLAO. Therefore, calculations are authentic and official and if at all if

any dispute is raised by the claimant it can be decided during the final decision of the appeal. Thus, in view of the aforementioned observations, in my view, it would be appropriate to allow withdrawal of 50% of the amount deposited in this Court upon usual undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% of the amount by furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

3. With the aforementioned direction, the Civil Application is allowed and accordingly disposed of.

Civil Application for Stay

4. Since the condition for grant of stay as per the order passed by this Court on 10.10.2025 has already been complied by depositing the amount on 07.03.2026, which is already permitted to be withdrawn by this Court in separate application. The Civil Application for stay is allowed in terms of prayer clause “B” and is accordingly disposed of.

Civil Application for Delay

5. This Civil Application has been filed by the acquiring body for condonation of delay of 102 days in filing the First Appeal.

6. After issuance of notice, already appearance is caused on behalf of the claimant. Learned advocate for the claimant waives service of notice for respondent/claimant.

7. For the reasons stated in the Application, Civil Application is allowed in terms of prayer clause “B” and is accordingly dispose of.

First Appeal

8. In view of the condonation of delay, First Appeal be registered.

9. **Admit**.

10. Call for Record and Proceedings from the concerned Court.

11. Returnable after twelve (12) weeks.

Civil Applications for depositing entire amount.

12. In view of the deposit of the amount by the acquiring body in this Court, the Civil Applications filed by the claimants seeking directions to the acquiring body to deposit the entire decreetal amount under the award in this Court are disposed of accordingly.

13. Civil Application No.13473 of 2025 is concerned, in view of the prayer made by the applicant for modification of the order, it would lie before the same Court which has passed the order.

(MANJUSHA A. DESHPANDE, J.)

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vmk/-