



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 514 OF 2026

IN

FIRST APPEAL NO. 2238 OF 2019

Papa Chandu Rathod.

...Applicant

Versus

The State of Maharashtra and Others

...Respondents

WITH

CIVIL APPLICATION NO. 6312 OF 2018

IN

FIRST APPEAL NO. 2238 OF 2019

WITH

FIRST APPEAL NO. 2237 OF 2019

Mr. Patil Laxmikant C., Advocate for the Applicant

Mr. V. S. Badakh, AGP for Respondent – State.

CORAM : RAJNISH R. VYAS, J.

DATE : JANUARY 23, 2026

PER COURT :

1. This is an application for grant of permission to withdraw the amount deposited by the acquiring body. Admittedly, the lands of the applicants have been acquired by the acquiring body, and the compensation has been determined by the Reference Court. The appeal preferred by the acquiring body is not yet finally decided and the record and proceedings are also not received.

2. The learned counsel for the applicant submits that no prejudice would be caused if 100% of the deposited amount is allowed to be withdrawn, as in similar matter arising out the same notification, this Court in Civil Application No.7497 of 2020 in First Appeal No.1554 of 2019, vide order dated 07th January 2021, has allowed withdrawal of the amount to the tune of 70%.

3. Considering the fact that the land of the applicant was acquired long back and that the applicant is 70 years old, I permit the applicant to withdraw 80% of the amount. In that view of the matter, the following order is passed :

ORDER

- A) The applicant is permitted to withdraw 80% of deposited amount.
 - B) 60% of the amount be permitted to be withdrawn on furnishing undertaking on usual terms, and the remaining 20% be allowed to be withdrawn on furnishing a solvent surety with accrued interest, to the satisfaction of the learned Registrar (Judicial) of this Court.
4. Civil application is disposed of in above terms.

(RAJNISH R. VYAS, J.)