IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 CIVIL APPLICATION NO. 4487 OF 2026
IN FAST/1792/2026
NILKANTHESHWAR DAIVAT BALSUR THROUGH SECRETARY SATYANARAYAN INDRAJIT JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

WITH CIVIL APPLICATION NO. 4488 OF 2026 IN FAST/1788/2026 WITH CIVIL APPLICATION NO. 699 OF 2026 IN FAST/1788/2026 WITH CIVIL APPLICATION NO. 700 OF 2026 IN FAST/1788/2026 WITH CIVIL APPLICATION NO. 701 OF 2026 IN FAST/1792/2026 WITH CIVIL APPLICATION NO. 702 OF 2026 IN FAST/1792/2026

AND

971 CIVIL APPLICATION NO. 4490 OF 2026
IN FAST/1828/2026
ASHOK SAMBHAJI WAKADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

WITH CIVIL APPLICATION NO. 706 OF 2026 IN FAST/1901/2026 WITH CIVIL APPLICATION NO. 705 OF 2026 IN FAST/1901/2026 WITH CIVIL APPLICATION NO. 703 OF 2026 IN FAST/1828/2026 WITH CIVIL APPLICATION NO. 704 OF 2026 IN FAST/1828/2026 WITH CIVIL APPLICATION NO. 4491 OF 2026 IN FAST/1901/2026

AND

972 CIVIL APPLICATION NO. 4493 OF 2026
IN FAST/1839/2026
MALIKARJUN CHANMALAPPA WAKADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

WITH CIVIL APPLICATION NO. 4494 OF 2026 IN FAST/1894/2026 WITH CIVIL APPLICATION NO. 707 OF 2026 IN FAST/1839/2026 WITH CIVIL APPLICATION NO. 708 OF 2026 IN FAST/1839/2026 WITH CIVIL APPLICATION NO. 709

OF 2026 IN FAST/1894/2026 WITH CIVIL APPLICATION NO. 710 OF 2026 IN FAST/1894/2026

...

Advocate for Applicants : Mr. Shashikiran N. Patil.
AGP for Respondent/s-State : Mr. N. R. Dayma, Mr. A. R. Kale, Mr. S. V. Hange, respectively.
Advocate for Respondent/Acquiring Body : Ms. Sunita D. Shelke.

...

CORAM : SHAILESH P. BRAHME, J.
DATE : 17.04.2026

PER COURT :-

1. Heard both sides.

2. Applicants seek to withdraw amount deposited by the respondent/acquiring body for the reasons stated in the applications.

3. Learned counsel for the applicants submits that in a similarly situated matters, no appeal was preferred by the acquiring body and those claimants were permitted to receive the amount on furnishing undertaking. His clients are ready to furnish undertaking.

4. The applications are contested by learned counsel appearing for respondent/acquiring body on the ground that acquiring body has preferred appeals and there is substantial challenge to the impugned judgments and awards. If the

appellants succeed then it would be very difficult to recover the amount.

5. Considering the rival submissions of the parties, I find that it would be unsafe to release the amount only on undertaking. The matters in which the claimants were permitted to receive the amount, appeals were not preferred by the acquiring body. The interest of the appellants/acquiring body has also to be safeguarded simultaneously. Ends of the justice would be met in permitting the applicants to receive 80% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial).

6. Civil applications are allowed partly by permitting the applicants to receive 80% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial).

7. Balance amount shall be invested in any nationalized bank.

Civil Applications for Delay

8. Applicants seek to condone delay ranging from 497 to 533 in preferring first appeals.

9. The applications are not contested by the respondents/claimants. There is no reason to infer any malafides on the part of the applicants. The delay stands condoned.

10. Civil applications are allowed.

First Appeals

11. **Admit.**

12. Learned counsel Mr. Patil waives service of notice for respondents/claimants.

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

14. Parties shall be at liberty to file relevant papers.

Civil Applications (Stay)

15. As the amount has been deposited in pursuance of the earlier order, ad-interim relief granted earlier shall stand confirm. Civil applications are disposed of.

(SHAILESH P. BRAHME, J.)

...

vmk/-