

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 38468 OF 2025
IN
WRIT PETITION NO.10475 OF 2018

Ganesh Alias Pramod Vinayak Joshi and .. Applicants
Ors.

Versus

The State of Maharashtra Through .. Respondents
Revenue and Forest Dept. and Ors

...

Mr. Vishal Kanade a/w Mr. Sagar Amrut Rane for the Applicants/
Petitioners.

Smt. S.A. Prabhune, AGP for Respondent-State.

Mr. Vaibhav Salvi a/w Mr. Ashwet Bhoir for the Applicant in IA No.
2476 of 2021.

Smt. Shehnaz Bharucha a/w Mr. Anil Yadav for Respondent No.4
UOI India.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 4th FEBRUARY, 2026

P.C:-

1. Interim Application No. 38468 of 2025, filed by the Applicants (original Petitioners) in Writ Petition No. 10475 of 2018, seek permission from the Court to withdraw the amount of Rs.1,70,62,539/- collectively, by Applicant Nos. 1 to 7, to the extent that is specifically set out in the prayer clause of the application.

2. We have heard learned counsel Mr. Vishal Kanade for the Applicants and perused the necessary documents annexed to the

application in the form of annexures, including the orders passed by this Court, on the basis of which the withdrawal of the amount deposited, is sought.

2. The first order relevant for this purpose, is the order dated 30/07/2021, when the Government Advocate, on instructions from the Deputy Conservator of Forests, Alibaug, made a statement that the Forest Department has no objection if 36 out of 56 hectares of the subject land is restored to the Petitioners, after carrying out necessary demarcation. It was indicated by the Court that time is granted to the parties for preparing consent minutes, setting out the procedure to be followed for restoring 36 hectares of land to 7 Petitioners.

Another order dated 3/07/2025, in the very same Petition, record that the Petition raises a challenge to the Mutation Entry, whereby the name of State of Maharashtra was inserted in the 7/12 extract of the subject property, cumulatively admeasuring 58.9384 hectares, situated in village Karodi, Taluka Pen, District Raigad. According to the Petitioners, the entry was wrongfully made.

3. The Sub-Divisional Officer, in exercise of powers under the Maharashtra Private Forests Act, 1975, on 28/05/2012, declared that the Petitioners are entitled for restoration of the entire land of 58.9384 hectares.

Being aggrieved by this order, the State of Maharashtra has filed a Writ Petition (WP No. 10030 of 2019), which is admitted and pending before this Court for consideration.

However, taking note of the stand of the State of Maharashtra in the said Petition that the Petitioners are entitled for restoration of

36 hectares, and being specifically noted in the order passed in the said Writ Petition on 30/07/2021, it is recorded that out of this 36 hectares, a portion thereof (8.14 hectares) was acquired for Balganga Dam Project.

The Court, therefore, directed the AGP to take instructions, as to whether the amount of compensation towards acquisition of 8.14 hectares can be deposited in the Court, and the response came in the positive, as the State agreed to deposit the compensation towards acquisition of 8.14 hectares amounting to Rs.1,70,62,539/-.

As regards the apportionment of the amount between the Petitioners, the Court noted that once the affidavits are filed, the same shall be decided.

4. As undertaken, the amount of Rs. 1,70,62,539/- is deposited in the Court, and this amount is claimed by the Petitioners/Applicants by relying upon the details of the 8.14 hectares which is acquired from Survey Nos. 15/3, 69/2, and 76.

The Sub-Divisional Officer by its communication dated 1/07/2025 addressed to the learned AGP, which was placed before the Court, also indicated the amount of compensation payable qua the area acquired in each of the Survey Nos. i.e. 15/3, 69/2, and 76, is totaling Rs. 1,70,62,539/-.

5. It is the claim of the Applicants that they are entitled for this amount, as they are the owners of the respective area acquired from three survey numbers, and that is the specific reason why the application is filed seeking withdrawal of the amount in proportion to their share in the three survey numbers.

6. The State Government do not oppose this application.

The intervener, one Vijay Abhyankar, claiming to be owner of 1 hectare 46.9 R out of the 36 hectares which is liable to be restored, has filed an application for intervention, but his land is not covered by the three survey numbers from which the area of 8.14 hectares is acquired for the Balganga Dam Project.

This being undisputed position, since there is no claim staked by the intervener in the apportionment of Rs. 1,70,62,539/- which is deposited in the Court for acquisition of 8.14 hectares, out of the three survey numbers on which the Applicants name stand mutated, we see no reason to deny the benefit of this amount to them, as what they seek is withdrawal of the amount, as it is not disputed that there land was acquired for the purpose of the Dam Project and they deserve to be compensated.

7. In the wake of the aforesaid discussion, we permit the withdrawal of the amount of Rs. 1,70,62,539/- in the manner which is prayed in the application to the following effect:-

“(b) That this Hon’ble Court be pleased to permit the Applicant Nos.1 and 2 viz. Ganesh @ Pramod Vinayak Joshi and Gangadhar @ Pratap Vinayak Joshi respectively to withdraw a total amount of Rs. 25,01,563/- (Rupees Twenty Five Lakhs One Thousand Five Hundred Sixty Three only) from this Hon’ble Court towards their share of compensation in respect of land acquired by the State of Maharashtra;

(c) That this Hon’ble Court be pleased to permit the Applicant Nos.3, 4, 5 and 6 viz. Shri Dilip Ganesh Dandekar, Shri Rajendra Ganesh Dandekar, Smt. Mangala Gorishankar Palnitkar and Smt. Nila Chandrakant Deval respectively to withdraw a total amount of Rs. 72,80,488/- (Rupees Seventy Two Lakhs Eighty Thousand Four Hundred Eighty Eight only) from this Hon’ble Court towards their share of compensation in respect of land acquired by the State of Maharashtra.

(d) That this Hon’ble Court be pleased to permit the Applicant No.7 viz. Shri Bhalchandra Madhukar Joshi to withdraw a total amount of Rs. 72,80,488/- (Rupees Seventy Two Lakhs Eighty Thousand Four Hundred Eighty Eight only) from this Hon’ble Court towards his share of compensation in respect of land

acquired by the State of Maharashtra;”

8. The application is made absolute in above terms.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)