

MHNS280011142023



Order below Exh.25 in L.R. Darkhast No.69/2020
(Rajesh Vs. SLAO)

This is an application filed by the applicants/claimants for seeking payment of remaining compensation amount along with interest in their favour.

2. It is submitted that applicants have filed land reference as per Section 18 of the Land Acquisition Act. The said reference was decided and as per the decision compensation amount of Rs.5,21,65,568/- was deposited in the court on 07/04/2022. After the decision of reference State filed appeal before Hon'ble Bombay High Court bearing No.615/2022. As the appeal is pending before Hon'ble Bombay High Court. The present applicants filed inquiry application no.3533/2022 before Hon'ble High Court. The said application was allowed on 01/07/2022. As per the said order it was directed to pay 50% amount to the applicants and it was directed to deposit the remaining 50% amount in fixed deposit in Nationalized Bank. Accordingly Rs.2,60,82,784/- has been paid to the applicants while remaining amount is kept in fixed deposit in State Bank of India on 22/08/2022. In the mean time as applicant no.2 is suffering from cancer and other applicants are age old. Hence, for taking proper medication the applicants are need in money. Thus, they have again filed inquiry application no.2303/2025 before Hon'ble Bombay High Court. After inquiry on 17/04/2025 the Hon'ble High Court directed to pay the remaining amount to the applicants on furnishing solvent

surety. As per the said order applicants requested their one of the relative namely Sagar Arun Jadhav for furnishing solvent surety on their behalf in the court. He has received solvency certificate to the tune of Rs.1,24,50,000/- While applicant no.1.3 Amit Jadhav also obtained the solvency certificate to the tune of Rs.46,94,625/-. Likewise applicant no.1.4 Ramchandra Shankar Jadhav has obtained the solvency certificate to the tune of Rs.46,94,625/-. Accordingly, applicants managed to secure the solvency certificate to the tune of Rs.2,18,39,250/-. However, in spite of due efforts they were not able to obtain the solvency certificate with regard to remaining amount of Rs.42,43,534/-. In such situation as applicants are age old and suffering from health issues. The remaining compensation amount kept in fixed deposit along with interest be given to the applicants. Hence the present application .

3. Say of opponents and report of Assistant Superintendent were called . The A.S. of the court filed the report below Exh.30 stating that amount of Rs.2,60,82,784/- in fixed deposit bearing receipt no.6131 in State Bank of India, Treasury Branch, Nashik.

4. Assistant Government Pleader filed say on behalf of State opponent no.1 below Exh.32 they have objected the application. It is submitted that if the claimants are allowed to withdraw the entire compensation amount then if State succeed in appeal it would be difficult to reconstitute the amount from the claimant. The order passed by Hon'ble High Court on 01/07/2022, incorporates the directions to reinvest compensation amount in Nationalized Bank. Further if the claimants are furnishing meager amount of solvency and claiming the withdrawal of whole amount,

then present application needs to be rejected. Further in view of the terms and the conditions or the order passed by Hon'ble High Court, the present application is required to be decided. Hence, prayed for rejection of the application.

5. Opponent no.2 i.e. Executive Engineer Minor Irrigation, Nashik Division filed their say vide Exh.33. It is submitted that necessary order may be passed to release the amount in favour of the claimants as per the order passed by Hon'ble Bombay High Court.

6. Perused the record. Heard the Ld. Advocate appeared on behalf of the claimants. None appeared on behalf of the opponent. The Ld. Advocate for the claimants relied upon supporting affidavit of applicant no.1.1 and the documentary evidence filed along with list at Exh.28. I have gone through the said documents. The applicants have filed the copy of Award passed in land Reference no.253/2010. Further they have filed the copies of both the orders of Hon'ble Bombay High Court in interim application no.3533/2022 dated 01/07/2022 and ad-interim application no.2303/2025 dated 17/04/2025. The initial 50% of compensation amount is already been released in favour of applicants as per the order dated 01/07/2022 and remaining amount was kept in fixed deposit, as evident from the report of A.S.. Now as per the order dated 17/04/2025 the Hon'ble Bombay High Court has allowed the present applicants to withdraw the balance 50% amount of compensation along with interest accrued thereon subject to furnishing of solvent surety to the satisfaction of reference court. Further it was directed that reference court to hear the appellant

State before the accepting the surety. However as mentioned above none appeared on behalf of opponent State. But opponent State has raised point in their say that solvency certificate of deficit amount have been furnished by the applicant on that basis the remaining 50% amount cannot be released in favour of the applicants. Consequently I have perused the three solvency certificates placed on record by the applicants. The solvency certificate of Sagar Jadhav, Ramchandra Jadhav and Amit Jadhav reveals that the solvency to the tune of Rs.2,18,39,250/- has been furnished by the applicant. While they have failed to furnish the solvency with regard to amount of Rs.42,43,534/-. In such contingency it would be justifiable to permit the applicants to withdraw only the amount of Rs.2,18,39,250/- along with proportionate interest, as the solvency is furnished to that extent only. Hence, in view of the order of Hon'ble Bombay High Court dated 17/04/2025 the following order is passed.

ORDER

1. Application Exh.25 is partly allowed.
2. The applicants are permitted to withdraw amount of Rs.2,18,39,250/- along with the proportionate interest accrued thereon, in view of the solvency certificates furnished by them.

Date : 24.09.2025.

**(Sachin H.Khade)
Civil Judge S.D., Sinnar**