



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CIVIL APPLICATION NO. 5266 OF 2026
IN FA/2315/2023

GUNDU RAGHUNATH GAIKWAD

VERSUS

THE EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHING
MAJBUTIKARAN DIVISION OMERGA AND OTHERS

...

Mr. Santosh N. Patne, Advocate for Applicant.

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. Chetan T. Jadhav, Advocate for Respondent No.1.

...

WITH

CIVIL APPLICATION NO. 7068 OF 2023
IN FA/2315/2023

THE EXECUTIVE ENGINEER IRRIGATION PROJECT MAJBUTIKARAN
DIVISION OSMANABAD

VERSUS

GUNDU RAGHUNATH GAIKWAD AND ORS

...

Mr. Chetan T. Jadhav, Advocate for Applicant.

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. Santosh N. Patne, Advocate for Respondent No.1.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 5th MAY, 2026

P.C.:-

CIVIL APPLICATION NO.5266 OF 2026:-

1. Heard learned Advocates for the respective parties. Mr. Patne, learned Advocate, appears for the Applicant.

2. By the present application, the Applicant seeks permission to withdraw the amount deposited by the acquiring body. The matter



arises out of acquisition of the Applicant's land, which was acquired in the year 2004. The acquiring body has preferred an appeal against the award passed by the Reference Court, which is pending and is likely to take some time for final disposal.

3. Pursuant to the orders passed by this Court, the acquiring body has deposited the awarded amount before this Court.

4. Considering that the Applicants are agriculturists whose land has been acquired, and having regard to the fact that the appeal is pending and may take time for disposal, the application deserves to be partly allowed. Accordingly, the Applicants are permitted to withdraw 75% of the deposited amount, subject to filing an undertaking that, in the event the appeal is decided against them, they shall refund the withdrawn amount along with applicable interest.

FIRST APPEAL NO.2315 OF 2023:-

5. Admit.

CIVIL APPLICATION NO.7068 OF 2023:-

6. This Court has already stayed the impugned order vide its order dated 07.11.2025. In view thereof, the civil application is disposed of.

(SIDDHESHWAR S. THOMBRE, J.)