

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8549 OF 2016
(Digambar Dnyanoba Gadhve and others Vs. The State of
Maharashtra and others)

Mr. Vilas M. Humbe, Advocate for the Petitioners
Mr. A.R. Borulkar, A.G.P. for respondent Nos. 1 to 3
Mr. Ruturaj Patil, Advocate for respondent No. 4

CORAM : T.V. NALWADE AND
SANGITRAO S. PATIL, JJ.

DATE : 23rd FEBRUARY, 2017

ORAL ORDER :

Both sides are heard.

2. The petition is filed for giving directions to the respondents to release the compensation amount awarded in a proceeding under section 28A of the Land Acquisition Act, 1894 (for short, "the Act") in favour of the petitioners.

3. It appears that the application filed under section 28A of the Act came to be decided on 6th October, 2015. The submissions made would show that the award delivered by the Reference Court is under challenge in a First Appeal filed in this Court. It appears that in the said First Appeal, this Court has granted

conditional stay to the award delivered by the Reference Court. The submissions made would further show that the compensation ascertained under section 28A of the Act is on the basis of the award delivered by the Reference Court. Thus, the entitlement of the present petitioner to get the entire amount of the award under section 28A of the Act cannot be considered separately. The Appellate Court will have jurisdiction in that regard also. If the Appellate Court changes the decision of the Reference Court, the order made under section 28A of the Act will get changed. In view of this circumstance, it is desirable for the present petitioner to approach the Appellate Court for obtaining suitable orders. In those terms, the Writ Petition is disposed of as dismissed.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE