

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

14 CIVIL APPLICATION NO. 13186 OF 2016

IN FAST/27250/2016

WITH CA/13188/2016 IN FAST/27828/2016

WITH CA/13191/2016 IN FAST/27590/2016

WITH CA/13193/2016 IN FAST/27587/2016

WITH CA/13195/2016 IN FAST/27584/2016

WITH CA/13197/2016 IN FAST/27581/2016

WITH CA/13199/2016 IN FAST/27577/2016

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT CONCRETE,
(MAJBUTIKARAN) DIVISION, OMERGA
VERSUS
ANIL SIDRAM SHINDE AND OTHERS

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Advocate for Applicant : Mr. Ruturaj C. Patil.

Advocate for Respondents / Claimants : Mr. L. C. Patil.

AGP for Respondents State / SLAO : Mr.A.M.Phule

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CORAM : **V. K. JADHAV, J.**

DATE : 13th April, 2017.

P.C.:

. Heard.

2 The learned counsel for the Applicant / acquiring body submits that the Reference Court has considered two sale instances Exhibits – 38 and 39 respectively, which are admittedly executed after Section 4 notification published in respect of the acquired lands and as per the contents of the said sale instances Exhibits – 38 and 39 respectively, very small area of land has been sold at an exorbitant consideration.

3 The learned counsel for Respondents / original Claimants submits that the Applicant / acquiring body may be directed to deposit the entire amount under award.

4 In view of the submissions made on behalf of Appellant / acquiring body and on perusal of para 21 of the impugned judgment and award passed by the Reference Court, *prima-facie*, it appears that the Reference Court has considered the sale instances Exhibits – 38 and 39 respectively wherein small area of land has been sold for exorbitant consideration and further, those sale instances appears to have been executed after Section 4 notification published in respect of the acquired lands.

5 In view of the above, the execution of the judgment and award passed by the Reference Court is hereby stayed on condition of depositing 50% of the amount under award before this Court within twelve weeks from the date of this order, failing which this order granting stay shall stand vacated automatically without reference to this Court.

6 The civil applications for stay are accordingly disposed of.

[V. K. JADHAV, J.]