

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.13680 OF 2017 IN
FIRST APPEAL NO.1214 OF 2010

Rama s/o Jyotiba Kokane, deceased
through legal heirs

Applicants

Versus

Vice Chancellor,
Marathwada Agriculture University,
Parbhani & another

Respondents

WITH
CIVIL APPLICATION NO.13681 OF 2017 IN
FIRST APPEAL NO.1213 OF 2010

Hari Jyoti Kokane

Applicant

Versus

Vice Chancellor,
Marathwada Agriculture University,
Parbhani & another

Respondents

Mr.S.S.Chillarge, advocate for applicants
Mr.M.N.Navandar, advocate for Respondent No.1.
Mr.A.M.Phule, A.G.P. for Respondent No.2.

CORAM : M.S.SONAK, J.
DATE : 07th February, 2018.

P.C. :

1. In this case, this Court, by order dated 20.09.2010, granted original appellant interim relief subject to deposit of 50% of the awarded amount. Applicants, who are the original claimants, withdrew said amount and thereafter filed application before this Court seeking direction to original appellant to deposit balance

50% of the compensation amount. In support of such application, reference was made to certain orders made by the Hon'ble Supreme Court in some other matters but, arising out of same land acquisition proceeding. Upon consideration of this statement, the Division Bench of this Court, by its order dated 07.08.2012, dismissed said application. The order dated 07.08.2012 reads as follows :

Only because of order dated 08.06.2011, passed in Civil Application No. 6613 of 2011 in First Appeal No. 1075 of 2011 and Civil Application No. 6614 of 2011 in First Appeal No. 1076 of 2011 by this Court asking the appellant-Acquiring body to deposit complete amount of the land acquisition compensation, the present applications have been filed seeking vacation of interim orders granted in these First Appeals on 20.09.2010.

2. On 20.09.2010, while passing order on Civil Applications no. 7740 and 7741 of 2010 in present First Appeals this Court has granted interim stay subject to the acquiring body deposits 50% of the amount granted under Section 18 of the Land Acquisition Act.

3. Advocate Mr. Chandole appearing for the applicants (land owners) submits that the First Appeals No. 1075 and 1076 of 2011 arise out of the same award, but out of different Section 18 proceedings. He submits that orders dated 08.06.2011 passed therein was assailed before the Hon'ble Apex Court unsuccessfully, he therefore, contends that in this situation to have uniformity appellant-acquiring body needs to be directed to deposit remaining 50% of the amount.

4. Advocate Mr. Navandar for acquiring body-appellant is not accepting this

contention. He contends that reasons put forth are not sufficient to vacate interim orders granted.

5. We find that the circumstances being pressed into service are insufficient to appreciate identity of the causes. We, therefore, reject the Civil Applications.

2. Now, applicants again relying upon some orders made by the Hon'ble Supreme Court in other matters, have re-applied for direction to original appellant to deposit 50% of the compensation amount. In effect, this application seeks review of the aforesaid order dated 07.08.2012. Since, such review is not maintainable before this Court, these applications are dismissed.

M.S.SONAK
JUDGE

dyb