

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

WRIT PETITION NO. 5383 OF 2017

Fulchand Maroti Bhosale

... Petitioner

VERSUS

The State of Maharashtra

... Respondent

.....
Mr Girish N. Kulkarni, Advocate for the petitioner
Mr P. S. Patil, AGP for respondent/State
Respondent No. 5 served (Absent)
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 28TH MARCH, 2018.

ORDER:

1. Respondent no. 5 though served, is absent.
2. The petitioner states that, the petitioner had filed Reference u/s 18 of the Land Acquisition Act. The Reference is partly allowed. Even execution bearing Darkhast No. 346/2010 is ALSO filed. Even after lapse of eight years, the amount has not been paid. Even warrant was issued, however, Acquiring Body is not depositing the amount.

3. The liability against the respondents is joint and several liability to pay the enhanced amount of compensation to the petitioners. The respondents No. 1 to 4 are the State and respondent No. 5 is an instrumentality of the State. Even in execution proceedings, warrants were issued.

4. Even it is not stated that the respondents have preferred appeal against the order passed by the Reference Court or that the order of stay is in force.

5. Considering the above, we pass the following order.

ORDER

In case the order of the Reference Court in LAR No. 24/2004 and Darkhast No. 346/2010 is still in force and there are no prohibitory orders passed by any Court, then the respondents shall pay the amount to the petitioners as directed in the award passed by the Reference Court within six months.

6. Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE