

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

43 CIVIL APPLICATION NO. 13952 OF 2018
IN FA/1654/2013
WITH CA/13954/2018 IN FA/1661/2013
WITH CA/13955/2018 IN FA/1657/2013
WITH CA/13956/2018 IN FA/1656/2013
WITH CA/13957/2018 IN FA/1660/2013
WITH CA/13958/2018 IN FA/1655/2013
WITH CA/13959/2018 IN FA/1658/2013
WITH CA/13960/2018 IN FA/1659/2013

EXECUTIVE ENGINEER, MINOD IRRIGATION DIVISION LATUR
UNDER GMIDC

VERSUS

PANDURANG TULSIRAM ARADWAD AND ORS

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Advocate for Applicant : Mr. Gaddime Arvind N.

AGP for Respondent no.4 : Mr. R.B.Bagul

Advocate for Respondents 1 to 3 : Mr.R. K. Ashtekar

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CORAM : SUNIL K. KOTWAL, J.

DATE : NOVEMBER 26, 2018

O R D E R :

These Civil Applications are filed by the acquiring body in respective First Appeals to stay the execution and operation of the judgment and award, dated 26.10.2010, passed by the Extra Joint Civil Judge, Senior Division, Latur, in Land Acquisition Reference Nos. 24, 23, 30, 31, 28, 27, 29 and 32 of 2005

2. Heard learned counsel for the applicant, learned counsel for respondent nos. 1 to 3 and learned AGP for respondent no. 4.

3. Learned counsel for respondent nos.1 to 3 has objected these applications stating that Writ Petition is already pending in this Court.

4. As pointed out by learned counsel for respondent nos. 1 to 3, interim stay was granted by this Court on 14.6.2013, subject to condition that the appellant shall deposit entire compensation amount along with accrued interest in this Court within a period of 12 weeks from the date of said order. However, within time limit compensation amount was not deposited by the acquiring body. Subsequently, even the appeals were admitted by this Court. Thereafter, the applicant has deposited entire compensation amount before the executing court, where the execution petition is pending.

5. No doubt, these circumstances on record suggest that the appellant acquiring body was negligent in depositing the compensation amount within time limit given by this Court. However, at the same time, it cannot be ignored that at this stage entire compensation amount is deposited before the executing court. Therefore, I do not find any legal impediment to stay the operation and execution of the judgment and award passed by the Reference Court in Land Acquisition Reference Nos. 24, 23, 30, 31, 28, 27, 29 and 32 of 2005. Order passed by this Court does not affect decision of pending writ petition for the reason of different subject for consideration.

6. Hence, Civil Applications are allowed. The execution and operation of the judgment and award, dated 26.10.2010, passed by the Extra Joint Civil Judge, Senior Division, Latur, Land Acquisition Reference Nos. 24, 23, 30, 31, 28, 27, 29 and 32 of

2005 is stayed till final hearing of the appeals.

7. R. and P. be called at the earliest.

[SUNIL K. KOTWAL, J.]

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