

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

WRIT PETITION NO.6401 OF 2018
WITH
WRIT PETITION NO.6402 OF 2018
WITH
WRIT PETITION NO.6403 OF 2018
WITH
WRIT PETITION NO.6404 OF 2018
WITH
WRIT PETITION NO.6405 OF 2018
WITH
WRIT PETITION NO.6406 OF 2018

THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR
AHMEDNAGAR
VERSUS
THE UNION OF INDIA AND OTHERS

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AGP for the Petitioner / State : Shri S.R.Yadav..

Advocate for Respondent 1 and 2 / Union of India : Shri D.G.Nagode,
Senior Panel Counsel.

Advocate for Respondents 3A, 3D, 3E, 3F, 5 and 6 : Shri Mahesh R.
Sonwane.

Advocate for Respondent 3B in WP 6402/18 and 3A in WP 6404/18 : Shri
R.V.Gore.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th February, 2019

Per Court:

1 I have heard the learned AGP for the Petitioners/ State, the
learned Standing Counsel for the Union of India and the learned
Advocates appearing for the individual parties.

2 In identical set of facts in Writ Petition No.9909/2017 and connected matters, this Court has passed an order on 21.03.2018. The said writ petitions were partly allowed by setting aside the impugned identical orders and further directions were issued for permitting the Union of India to move an application for seeking intervention before the Executing Court.

3 The learned Advocates for the respective sides submit that the same order could be passed in these matters.

4 In view of the above, these Writ Petitions are partly allowed. The impugned orders, details of which are set out below, are quashed and set aside :-

Writ Petition No.	Impugned order dated	Impugned order below Exhibit	Darkhast Number
6401/2018	04.11.2017	13	Darkhast No.205/2016
6402/2018	28.08.2017	57	Special Darkhast No.10/2005
6403/2018	28.08.2017	40	Regular Darkhast No.89/2005
6404/2018	13.10.2017	44	Special Darkhast No.60/2002
6405/2018	04.11.2017	12	Darkhast No.203/2016
6406/2018	17.11.2017	41	Special Darkhat No.44/2002.

5 Needless to state, the Decree Holders are at liberty to bring the legal heirs of the deceased decree holders in the pending execution

proceedings.

6 The Union of India is at liberty to file an application for intervention before the Executing Court and the Executing Court may consider the same to the extent of finding out as to how much of the amount under the Award is still balance and outstanding.

7 The Decree Holders are at liberty to file appropriate applications under the relevant provisions of Order 21 of the Code of Civil Procedure for execution of the award.

8 The learned Executing Court, after considering the record available and after giving an opportunity of being heard to all the parties, shall pass appropriate orders in accordance with law within three months from the date of this order.

9 All contentions of the parties are kept open.