

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

WRIT PETITION NO.11444 OF 2018

Vishnu Mhasu Nil

...PETITIONER

VERSUS

The State of Maharashtra & ors.

...RESPONDENTS

.....
Shri R.S. Kasar, Advocate for petitioner
Shri M.M. Nerlikar, A.G.P. for State
.....

WITH

WRIT PETITION NO.11445 OF 2018

Ashok s/o Yadav Nil

...PETITIONER

VERSUS

The State of Maharashtra & ors.

...RESPONDENTS

.....
Shri R.S. Kasar, Advocate for petitioner
Shri M.M. Nerlikar, A.G.P. for State
.....

**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATED : 17th January, 2019

ORAL ORDER :

1. It is submitted that, the execution proceeding is pending for recovery of the amount pursuant to the award passed by the

Reference Court under Section 18 of the Land Acquisition Act, 1894. The acquiring body had filed an appeal. In appeal, stay was granted to the judgment of the Reference Court on condition that the acquiring body deposits the amount under the award passed by the Reference Court within ten weeks. Subsequently, six weeks time was extended. It is the contention of the petitioners that the amount is not deposited as per the order of stay and even the executing Court has endorsed that execution would proceed further. The learned counsel submits that, no steps are taken for further execution.

2. In case the order of stay passed by the Court in First Appeal is not operating, then the Darkhast would be proceeded further. The petitioners may take necessary steps for execution and recovery of the amount. The Executing Court shall consider the applications filed by the petitioners on its own merits, expeditiously. Writ Petitions are disposed of accordingly. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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