

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

928 CIVIL APPLICATION NO. 12730 OF 2019
IN
FIRST APPEAL NO. 326 OF 2009
WITH
FIRST APPEAL NO. 163 OF 2009

DHONDIBA BABU BHAWAR AND OTHERS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER MINOR
IRRIGATION DEPARTMENT AND OTHERS

Advocate for Applicants : Mr. D.B. Pokale.
AGP for Respondent No. 1 : Mr. S.N. Morampalle.

CORAM : MANGESH S. PATIL, J.
DATE : 13.12.2019

PER COURT :

Heard the learned advocate for the applicants and the learned AGP.

2. It appears that there is lot of confusion. In these appeals by one of the claimants against the order of a reference Court passed in a proceedings under Section 30 of the Land Acquisition Act, by the order dated 26.04.2013, this Court confirmed the interim order of stay upon depositing 50% of the amount under the award.

3. Though this application seeks to withdraw the amount, the office has put up an endorsement that the amount has not been deposited in this Court. Since the interim order was passed subject to such deposit which has not been made, it is apparent that there is no stay to the operation of the impugned judgment and order passed by the reference Court.

4. Consequently, no order about the withdrawal of the amount deposited in the Court can be passed similarly there is no question of vacating any stay which is not in operation.

5. Application is disposed of.

(MANGESH S. PATIL, J.)

S.P.C.