

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

CIVIL APPLICATION NO.13367 OF 2019
IN FAST/32288/2019

THE EX. ENGINEER, JALGAON MEDIUM PROJECT JALGAON
VERSUS
SUBHASH BHILA CHAUDHARI AND ORS

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Advocate for Applicant : Mr. Ajay D. Pawar
Advocate for Respondent No.1-claimant : Mr. Vijay B. Patil
AGP for Respondents No.2 and 3 : Mr. R. B. Bagul

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WITH CA/13365/2019 IN FAST/32345/2019
WITH CA/13370/2019 IN FAST/32339/2019

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CORAM : K.K. SONAWANE, J.

DATED : 16th JANUARY, 2020.

ORDER :-

Mr. V. B. Patil, learned counsel submits that he has instructions to appear on behalf of respondents-original claimants in the proceedings bearing CA/13365/2019 IN FAST/32345/2019. He also filed *vakalatnama* on record. Learned AGP waives service of notice for respondents No. 2 and 3.

2. Heard learned counsel for the applicant – Acquiring Body and learned counsel for respondent No.1 (original claimant) as well as learned AGP for respondents No.2 and 3. Perused the applications and other relevant documents produced on record.

3. Present applications are filed by the applicant-Acquiring Body seeking stay to the execution and operation of the impugned Award passed by the learned Reference Court in the proceedings under Section 18 of the Land Acquisition Act, 1894, filed by the original claimants. According to the learned counsel for applicant-Acquiring

Body, the learned Reference Court determined market value of the acquired lands in exorbitant manner. Therefore, he prayed for interim relief of stay in the proceedings.

4. In view of submission on the part of applicant-Acquiring Body and nature of the subject-matter, there is no impediment to grant stay in favour of applicant-Acquiring Body on certain terms and conditions.

5. There shall be stay to the execution, operation and implementation of the impugned Award subject to condition that the applicant-appellant- Acquiring Body shall deposit the entire decretal amount with interest accrued thereon within a period of eight weeks from today in this Court. In case, applicant-appellant-Acquiring Body failed to deposit the amount as indicated above within stipulated period, the present order shall stand vacated automatically without further reference to the Court and applications for stay be treated as dismissed, with liberty to respondent No.1 (original claimant) to avail the recourse of law for execution of the Award before Executing/ Reference Court within ambit of law.

6. The Civil Applications stand disposed of in above terms.

Sd./-

[K. K. SONAWANE]
JUDGE