

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

916 WRIT PETITION NO.9660 OF 2021

**TURAB KEDAR SHAIKH SINCE DECEASED THR LRS MUNR
TURAB SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. B.M. Dhanure
AGP for Respondents State : Mr. S.W. Munde

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 01/09/2021.

PER COURT :

. Mr. Dhanure, learned advocate for the petitioners submits that the application is filed by the petitioners under section 28-A of the Land Acquisition Act. The same is not yet decided. According to the learned counsel, pendency of the appeal against the said reference would not be a ground to stall the proceeding under section 28-A of the Land Acquisition Act. The learned advocate referred to the Government Resolution dated 29th of August, 2015.

2. The learned A.G.P. submits that against the award passed by the Reference Court pursuant to which the petitioners have filed application under section 28-A of the Land Acquisition

Act, appeal has been filed by the Acquiring Body and this Court has stayed the judgment of the Reference Court passed under section 18 of the Land Acquisition Act.

3. The application under section 28-A of the Land Acquisition Act has to be decided on the basis of the award passed by the Reference Court under section 28-A in respect of the party whose land has been acquired under the same notification.

4. In the present case, as suggested by the learned A.G.P the judgment passed by the Reference Court pursuant to which the petitioner has filed application under section 28-A is stayed by this Court in the first appeal filed by the Acquiring Body. As the judgment itself is stayed, we cannot direct the S.D.O. to proceed further.

5. Naturally, depending upon the judgment that would be delivered by this Court in the first appeal, further steps can be taken by the parties.

6. Writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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