

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

**FIRST APPEAL NO.3105 OF 2016
WITH
CIVIL APPLICATION NO.9170 OF 2021 IN FA/3105/2016**

**THE SPECIAL LAND ACQUISITION OFFICER UPPER TAPI
PROJECT, HATNUR, JALGAON AND OTHERS
VERSUS
JATANSING THABUSING PATIL (DIED) THROUGH HIS LRS
BHIKENSING JATANSING PATIL AND OTHERS**

AND

**FIRST APPEAL NO.3107 OF 2016
WITH
CIVIL APPLICATION NO.9171 OF 2021 IN FA/3107/2016**

**THE SPECIAL LAND ACQUISITION OFFICER UPPER TAPI
PROJECT, HATNUR, JALGAON AND OTHERS
VERSUS
GAJENDRA RAGHUNATH PATIL**

AND

**FIRST APPEAL NO.3106 OF 2016
CIVIL APPLICATION NO.9172 OF 2021 IN FA/3106/2016**

**THE SPECIAL LAND ACQUISITION OFFICER UPPER TAPI
PROJECT, HATNUR, JALGAON AND OTHERS
VERSUS
KIRAN DEVSING PATIL**

....

Mr. A.M. Phule, AGP for Appellants in all FAs
Mr. Jitendra Patil, Advocate for Respondents/original claimants
in all FAs

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 28th OCTOBER, 2021

PER COURT:-

1. Heard Mr. Jitendra Patil, learned counsel for the original claimants and Mr. Phule, learned AGP for the State on the point of compliance of stay order passed by this Court in these appeals dated 22.07.2016

2. It is pointed out by Mr. Jitendra Patil, learned counsel for the original claimants that the execution of the impugned award came to be stayed subject to deposit of the entire amount under the award alongwith interest accrued thereon by the appellants in this Court within a period of twelve (12) weeks from the date of this order i.e. 22.07.2016. That order was not complied with till 10.03.2021

3. My learned brother vide order dated 10.03.2021 again pleased to extend four weeks time to deposit the amount in compliance with the order dated 28.04.2017. The State machinery has failed to deposit the compensation amount under the award from 22.07.2016 to 28.10.2021. This is the attitude of the State machinery towards the order passed by this Court. No Government official is bothered to comply the order in a span of more than four years and not deposited a single *pai* in this Court. The stay is obtained, but not complied and using the stay order as a shield to protract the litigation of execution proceedings pending before the

execution Court. Such kind of lethargy cannot be overlooked. Let the State machinery face the consequences.

4. The said conditional stay order passed by this Court to the execution of the impugned award vide order dated 22.07.2016 stands vacated for non-compliance thereof. The original claimants/applicants are at liberty to execute the award by taking necessary steps before the executing Court.

5. Inform the executing Court accordingly.

6. Civil application Nos. 9170/2021, 9171/2021 and 9172/2021 are moved by the original claimants/applicants seeking permission to withdraw the amount of compensation in anticipation that the State would deposit the compensation by complying the conditional stay order passed by this Court. However, the State has not complied with the conditional order in a span of more than four years and this Court pleased to vacate the conditional order today. As such these application do not survive and stands disposed of.

[SHRIKANT D. KULKARNI]
JUDGE