

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

WRIT PETITION NO.13541 OF 2023

**KANTABAI BALIRAM GARAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS**

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Mr. R. P. Patwardhan, Advocate h/f Mr. S. S. Jadhav, Advocate for
Petitioners

Mr. P. K. Lakhotiya, AGP for Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.**

DATE : 28.11.2023

PER COURT :-

1. The Petitioners prayed for releasing of the enhanced compensation amount granted under Section 28A of the Land Acquisition Act, 1894.

2. The learned AGP submits that First Appeal No.2670 of 2018 is pending admission before this Court. In Civil Application No.1259 of 2018, an order has been passed on 10.09.2018 staying the implementation of the judgment of the Reference Court, and, therefore, the payment of enhanced compensation is put on hold.

3. Considering the above, the Petitioner can approach the Court dealing with the First Appeal. As an order of staying the basic judgment has been passed on 10.09.2018, we do not deem it appropriate to entertain this Petition for directing payment of the enhanced compensation, since the basic judgment has been stayed and the matter is *sub-judice* before the competent Court.

4. In view of the above, **this Petition is disposed off.** Needless to state, the Petitioners are at liberty to avail of such remedies as may be permissible in law.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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