



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 10231 OF 2024

Madhukar Tatyarao Bagul and others

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. D.K. Rajput

AGP for Respondent Nos. 1 and 2: Mr. N.S.Tekale

Advocate for Respondent No.2 to 4: Mr. S.S. Dande

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

DATED : 1st OCTOBER, 2024.

PER COURT :-

1. Heard the learned advocates for the respective sides.
2. The First Appeal challenging the order passed by the Reference Court under Section 18 of the Land Acquisition Act, 1894, is admittedly pending. The learned advocate Shri Dande, submits, on instructions, that the order passed under Section 18 has been stayed. Despite the same, the Section 28-A Application, has allowed by the authority dealing with the proceeding.
3. The law on this point is no longer res-integra in the light of the Judgments of the Hon'ble Supreme court in **State of Maharashtra vs. Manakchand Pyarmal, 1996 (1) SCC 297, Jose**

Antonio Cruz Dos R. Rodriguese and Ors. vs. Land Acquisition Collector and Ors., AIR 1997 SC 1915, Bharatsing and Ors. vs. The State of Maharashtra and Ors. AIR 2017 SC 5741 and Ramsingbhai (Ramsangbhai) Jerambhai vs. The State of Gujarat and Anr, in Civil Appeal No. 4885 of 2018 (arising out of S.L.P. (Civil) No. 10422 of 2015), decided on 24.04.2018. As such, until the First Appeal, challenging the award under Section 18 of the Land Acquisition Act, is not decided, the proceedings under Section 28A cannot be taken to a logical end.

4. In view of above, **this Writ Petition is disposed off.**

5. As and when the First Appeal is decided, the Petitioners would be at liberty to seek relief in terms of the order under Section 28-A, which would be subject to the decision of the High Court in the pending First Appeal.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE , J.)

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