



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

**935 CIVIL APPLICATION NO. 3098 OF 2023
IN FAST/2835/2023**

**THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, MAJBUTIKARAN
DIVISION
VERSUS
BARKUBAI NAGNATH BAVKAR**

**WITH
CIVIL APPLICATION NO. 3106 OF 2023
IN FAST/2847/2023
THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, MAJBUTIKARAN
DIVISION,
VERSUS
MAHADEO VISHWANATH BAVKAR**

**WITH
CIVIL APPLICATION NO. 3102 OF 2023
IN FAST/2844/2023
THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, MAJBUTIKARAN
DIVISION,
VERSUS
JAMIR ALAM SHAIKH**

**WITH
CIVIL APPLICATION NO. 3100 OF 2023
IN FAST/2838/2023
THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, MAJBUTIKARAN
DIVISION,
VERSUS
MANIK NAGNATH SOMWANSHI**

**WITH
CIVIL APPLICATION NO. 3104 OF 2023
IN FAST/2841/2023
THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, MAJBUTIKARAN
DIVISION,
VERSUS
MAHADEO MALAPPA KAPASE**

Mr. G. B. Rajale, Advocate for Applicant
Ms. S. A. Kale h/f Mr. A. B. Kale, Advocate for respondent No.1.

CORAM : R. M. JOSHI, J.

DATE : 21st FEBRUARY, 2025

PER COURT :-

1. These applications are filed for stay.
2. Learned counsel for the applicant submits that in the connected matters arising out of the same acquisition in respect of the same village, this Court has passed order in First Appeal No. 564 of 2023 dated 13th June, 2024 directing the appellant to deposit 50% awarded amount within a period of 12 weeks and subject to the said deposit, stay is granted. The said order is reproduced herein below:

"1. In applications for stay, heard the learned advocates for the appellant and claimants.

2. The learned advocate for the appellant submits that the learned SLAO has awarded compensation for the acquired land at the rate of 460/- per R. whereas the learned Reference Court has awarded compensation amount at the rate of Rs.4000/- per R. Enhancement is exorbitant. He produced on record, copy of the order dated 4.10.2022 passed in Civil Application No. 10707/2022 in First Appeal St. No. 21072/2020. He submits that by way of this order, the Court has granted stay to the impugned judgment and award, subject to deposit of 50% award amount within twelve weeks.

3. Since the matters are the same, this Court is inclined to allow the applications. Hence, the applications stand allowed. There shall be stay to the impugned judgment and award passed by the Reference Court, subject to deposit of 50% of the amount of award within twelve weeks from today in this

Court. The applications for stay stand disposed of.

4. Appeals to be taken up for admission on 9.7.2024 along with First Appeal St. No. 21072/2020 and other connected matters.

5. Call R. & P.”

3. Learned counsel for the respondent does not dispute the fact that the order has been passed in respect of the same acquisition proceeding and the land in question is situated from the same village in which the said order came to be passed. Hence, there is no impediment to pass in the similar order.

4. There shall be stay to the impugned judgment and award passed by the Reference Court subject to deposit of 50% amount of the award within a period of 12 weeks from today.

5. Applications are allowed in above terms.

(R. M. JOSHI, J.)

ssp