



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3062 OF 2025
IN WP/14273/2019

Shantkumar Manmath Birajdar And Another
VERSUS
Executive Engineer Latur Minor Irrigation Division And Another
WITH
CIVIL APPLICATION NO. 3061 OF 2025
IN WP/14273/2019

Shantkumar Manmath Birajdar And Another
VERSUS
Executive Engineer Latur Minor Irrigation Division And Another
WITH
CIVIL APPLICATION NO. 3064 OF 2025
IN WP/14273/2019

Shobha Vijaykumar Patil Died Her Lrs Shrikant Vijaykumar Patil
VERSUS
The State Of Maharashtra Through Its Secretary And Others
WITH
CIVIL APPLICATION NO. 3979 OF 2025
IN WP/14273/2019

Madhav Kashiram Gaiwade Died Hir Lrs Sangita Madhavrao Gaywade
And Others
VERSUS
The State Of Maharashtra And Others
WITH
CIVIL APPLICATION NO. 8888 OF 2021
IN WP/14273/2019

Shantkumar Manmath Birajdar And Another
VERSUS
The State Of Maharashtra And Others
WITH
910 WRIT PETITION NO. 14273 OF 2019.

Mr. S. J. Sonkawade, Advocate for Applicants
Mr. R. K. Ingole, AGP for the Respondents Statement
Mr. B. R. Surwase, Advocate for Respondent No.4 in WP

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CORAM : **MANISH PITALE &
Y. G. KHOBRADE, JJ.**
DATE : **22nd July, 2025**

P. C. :

1. By Civil Application No. 3062 of 2025, the petitioners are seeking a direction to the Acquiring Body to deposit the amount as per order dated 25.09.2020 passed in Writ Petition No.14273 of 2019.

2. We have perused the order dated 25.09.2020 of the Division Bench of this Court in the said writ petition. It is correctly pointed by the learned counsel appearing for the respondent- acquiring body that in the very same Writ Petition No.14273 of 2019, subsequently on 06.01.2022, it was specifically recorded that even if the petitioners therein are seeking implementation of the award/order passed by the Collector under Section 28-A of the Land Acquisition Act, 1894, the basic order passed by the Reference Court under Section 18 of the said Act itself has been stayed by the learned Single Judge of this Court.

3. Considering the said aspect of the matter, we are of the opinion that the prayer made in the present application cannot be granted. Accordingly, the application is dismissed.

4. For the very same reason, we are of the opinion that Civil Application No. 3061 of 2025 and Civil Application No. 8888 of 2021 can also not be entertained.

5. By Civil Application No. 8888 of 2021, the petitioners are praying for a direction to the respondent- acquiring body to deposit the remaining amount of compensation as determined under the award/

order dated 17.01.2018 passed by under Section 28-A of the aforesaid Act. As noted herein above, the basic order of the Reference Court has been stayed by the learned Single Bench of this Court and therefore, the prayer cannot be entertained. Likewise, the prayer made for permission to withdraw the deposited amount, in Civil Application No. 3061 of 2025, cannot be entertained for the very same reason.

6. Accordingly, Civil Application Nos. 8888 of 2021 and 3061 of 2025 are dismissed.

7. By Civil Application No.3979 of 2025, the petitioners are seeking permission to bring on record the legal representatives of deceased Petitioner No.14(1)- Madhav Kashiram Gaiwade.

8. It is stated that the said petitioner died on 17.07.2024. A copy of the death certificate is annexed to the application. The petitioners also prayed for condonation of delay of 164 days in moving the application for bringing legal representatives on record.

9. Having considered the contents of the application, we are satisfied that sufficient ground is made out for condoning delay and allowing the application.

10. Accordingly Civil Application No.3979 of 2025 is allowed. Delay is condoned and the legal representatives of deceased petitioner No. 14(1), whose details are given in paragraph no.2 of the application, are permitted to be brought on record. Amendment be carried out within two weeks from today.

11. Civil Application No. 3064 of 2025 is moved for bringing the legal representatives of Petitioner No. 35- Shobha Vijaykumar Patil. We find that her legal representative i.e. Shrikant Vijaykumar Patil is already on record and therefore, this application need not have been filed. In that light, learned counsel for the petitioners seeks permission to withdraw the application. Hence, the application is disposed of as withdrawn.

12. Liberty to mention the petition for hearing after decision in First Appeal Nos. 3114 of 2024 and 3115 of 2024.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan