



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.7090 OF 2025

The Agriculture Produce Market Committee, Nagpur

Vs.

The Deputy Collector, Land Acquisition (General) Nagpur and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.M. Gadkari, Advocate for the Petitioner.

Mr. H.R. Dhumale, AGP for the Respondent No.1/State.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 03rd FEBRUARY, 2026

1. Heard learned counsel for the petitioner.
2. Petitioner's challenge is to the Order dated 04.07.2025 passed by the Presiding Officer, Land Acquisition Resettlement and Rehabilitation Authority at Nagpur thereby, rejecting an application for stay to the proceedings of the case.
3. Learned counsel for the petitioner submits that the Writ Petition No.3825/2017 (Agricultural Produce Marketing Committee, Nagpur Vs. The State of Maharashtra and Others) is pending before the Hon'ble Division Bench of this Court, in which the Award itself is under challenge. He submits that since, the Acquiring Body has already deposited the entire amount of compensation in that case, which is also withdrawn by the claimants, the proceedings before the Reference Court seeking the enhancement were required to be stayed during the pendency of the said writ petition.

4. The application at Exh.32 seeking stay to the proceedings came to be rejected by order dated 04.07.2025. The Trial Court has observed in the impugned order that mere pendency of the writ petition cannot be considered to be a reason for staying the proceedings before it.

5. Although, the reliance was tried to be placed on the judgment in the matter of *Kishor S/o. Bhikansingh Rajput Vs. Preeti W/o. Kishor Rajput* reported in *2007(2) Mh.L.J. 481*, in which it was cursorily observed that during the pendency of the proceeding before the higher Court, the subordinate courts are expected to stay their hands away. However, the Trial Court has rightly relied upon the judgment in the matter of *Vishwanath P Mahadeshwar Vs. Suryawanshi Balrup Thakur and Others* reported at *2011 SCC Online Bom 174* wherein, the position was clarified that it was only expected of the subordinate courts to stay their hands for a few days and it cannot be interpreted to mean that the proceedings would remain stayed.

6. On perusal of the impugned order, I find that the Trial Court has given due consideration to the relevant factual and legal aspects and has refused to stay the proceeding. In view of that, I do not find any perversity with the impugned order. Accordingly, writ petition is **dismissed** with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel