

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) Nos. 20706-20708/2021

(Arising out of impugned final judgment and order dated 09-02-2021 in CA No. 498/2021 in FA No.2493/2019, CA No. 499/2021 in FA No.2494/2019, CA No. 500/2021 in FA No.2495/2019 passed by the High Court Of Judicature at Bombay at Aurangabad)

UJWALA ETC.

Petitioner(s)

VERSUS

THE EXECUTIVE ENGINEER & ORS.

Respondent(s)

(IA No.164562/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.164563/2021-EXEMPTION FROM FILING O.T. and IA No.164559/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES)

Date : 03-01-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Sudhanshu S. Choudhari, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

All these Special Leave Petitions are filed against the interlocutory order passed by the High Court by which in the appeals preferred by the acquiring body, the High Court has stayed the judgment and award passed by the Reference Court on the condition that the acquiring body deposit the entire amount due and payable under the award and has further passed an order permitting the petitioners herein/original claimants to withdraw the compensation amount to the extent of 50% out of the amount deposited by the acquiring body on furnishing an undertaking and further 25% of the amount out of the amount deposited on furnishing
contd..

solvent security/surety to the satisfaction of the Registrar (Judl.) of the High Court.

Shri Sudhanshu S. Choudhari, learned counsel appearing on behalf of the petitioners has heavily relied upon the orders passed by this Court in Civil Appeal No.2481/2021 and other allied appeals as well as the similar orders passed by this Court with respect to the very acquisition by which this Court in the appeals preferred by the land owners have permitted the land owners to withdraw the amount to the extent of 50% of the enhanced compensation without security and permitting the balance 50% to be released to them on furnishing security to the satisfaction of the Reference Court.

Having heard learned counsel appearing on behalf of the petitioner and instead of calling the respondents herein to pass the similar orders which are passed by this Court in some of the appeals arising of the very acquisition, we dispose of the present Special Leave Petitions by relegating/permitting the petitioners to approach the High Court by way of appropriate applications for modification of the impugned order by pointing out the orders by this Court and as and when such applications are made, the High Court is directed to consider the similar orders passed by this Court which have been relied upon by the learned counsel appearing on behalf of the petitioners and the High Court to modify the impugned order after giving opportunity to the acquiring body.

It goes without saying that as it is reported that the orders passed by this Court are arising out of the very acquisition, the High Court will certainly consider the same and pass similar orders.

With this, all these Special Leave Petitions stand disposed of.

Pending application(s), if any, shall stand disposed of.

(NEETU SACHDEVA)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER