

Order below Exh.40 in Special Darkhast No. 181/2023
Nagarbai Nanaji Shelke
Vs.
Competent Authority and Spl. Land Acq. Officer etc.

The JD No.2 has filed this application for stay to the operation and execution of the order of issuance of warrant for the period of 6 weeks.

2. It is contended that this Court has passed the order of issuance of attachment warrant against the JD without hearing. The order is not uploaded in CIS and the copy of the order is not available. The JD has to challenge the order passed on application filed for impounding of the award. Hence, this application.

3. The DH has filed reply vide Exh.42 and resisted this application by contending that the order has been passed on 12.12.2025. No appeal has been preferred against the order passed below Exh.13 till date. Granting stay to the execution of an order will be against the law laid down by the Hon'ble Apex Court in the case of **Periyammal Vs. Rajamani & Another etc. (Civil Appeal Nos. 3640-3642 Of 2025 dated 6th March 2025)**. This application has been filed only to avoid the payment of compensation of the acquired land. So urged to reject the application with heavy costs.

4. Heard the Ld. Advocate appearing for both the sides. Gone through the material on record.

5. On 25.11.2025 arguments of the Ld. Advocates for both sides were heard on Exhs.13, 22, 23 and 36 and the matter was posted for order on the said applications. On 12.12.2025, this Court passed orders below Exhs.13, 22, 23 and 36. In such circumstances, there is no merit in the submissions that the order was passed on the Exh.13 about issuance of attachment warrant against the JD without hearing JD.

6. The order dated 12.12.2025 below Exh.13 was uploaded on the same day. The application Exh.40 was filed at 5:30 p.m. In such circumstances, there is no substance in the contentions in this application.

7. All the objections taken by the JD No.2 for the execution of the award have been considered and rejected in detailed order passed below Exh.13. Further, this Court also considered the directions given by the Hon'ble Apex Court about disposal of execution petition within 6 months in the case of **Periyammal Vs. Rajamani & Another etc.** (cited supra). In such circumstances, the following order.

Order

The application is hereby rejected.

Wai
Date: 23.01.2026

(D.B.Mane)
District Judge-2, Wai.