

MFA NO. 103243/2023 (LAC)
C/w. : MFA NO. 103209/2023, MFA NO. 103213/2023,
MFA NO. 103214/2023, MFA NO. 103220/2023,
MFA NO. 103222/2023, MFA NO. 103223/2023,
MFA NO. 103224/2023, MFA NO. 103241/2023,
MFA NO. 103242/2023, MFA NO. 103244/2023,
MFA NO. 103309/2023, MFA NO. 103311/2023,
MFA NO. 103404/2023, MFA NO. 103408/2023

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[THE DEPUTY CHIEF ENGINEER VS. SHRI. R RIYAZ
AHAMAD S/O KUTUB HUSSAIN AND OTHERS]

24.03.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE B.M.SHYAM PRASAD
and
HON'BLE MR JUSTICE SHIVASHANKAR
AMARANNAVAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE B.M.SHYAM PRASAD)

The short question that is presented for consideration today is:

Whether this Court must stop further proceedings in the pending execution cases if a Railway Authority [the appellants] have deposited certain sums at the rate of Rupees One Crore per acre in these appeals and if they are willing to deposit such amounts in those cases where they have not so far deposited.

This Court has granted stay of the execution and operation of the Reference Court's judgment and award subject to deposit of 50%. However, as pointed out by

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Sri Arvind Kamat, a learned Additional Solicitor General, this Court in MFA No.103633 of 2023 arising out of similar circumstances has modified the stipulation for 50% deposit directing the authority to deposit at the rate of Rupees One Crore per acre. Sri Arvind Kamat submits the following.

- [i]** Even in these cases a total sum of ₹7,46,25,000/- is deposited on 12.02.2026.
- [ii]** If any further amount is to be deposited in compliance with the stipulation that the deposit in each of these cases shall be at the rate of Rupees One Crore per acre, such deposits would be made.
- [iii]** The Executing Court has issued warrants for attachment of computers and peripherals and this would lead to disruption of the railway network resulting in possible consequences that must be averted.

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Sri Lingaraj Maradi, the learned counsel for the respondents, submits that this Court may not modify the order directing deposit of 50% of the award amount as the request must be considered by a newly constituted Bench because a Hon'ble Member of the Bench [which granted the interim order with such stipulation] has retired, and he also seeks leave to file statement of objections. When queried, the learned counsel submits, acknowledging that precipitation could result in disruption, that he would ensure that there will be no precipitation pursuant to the attachment orders issued.

This Court's interim order is to deposit 50% of the award amount but without liberty to receive the amount in deposit. Undoubtedly, any precipitation in the form of attachment of computers and peripherals would cause destruction in the railway network. The Appellant, who has deposited certain sums, is willing to deposit further sums if necessary to ensure that the deposit is at the rate of Rupees

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One Crore per acre. There would be uniformity if such deposit is made. The question is answered in favour of the appellant and the further proceedings in the pending execution cases are stayed subject to the Appellant filing a *Memo of Calculation of the Deposit* in each of the execution cases at the rate of Rupees One Crore per acre, and if necessary, the Appellant shall make further deposits. The Compliance in this regard shall be within two [2] weeks from today.

The Office is directed to re-list these appeals on **07.04.2026.**

**(B.M.SHYAM PRASAD)
JUDGE**

**(SHIVASHANKAR AMARANAVAR)
JUDGE**

Vnp
List No.: 1 Sl No.: 32