

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.10196/2007
Rameshwar Lal vs. State & Ors.

DATE OF ORDER : : 9th January, 2015

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri S.R. Surana, Sr. Advocate with
Shri K.K. Chhawal)for the petitioner
Shri Dharmendra Pareek, Addl. Govt. Counsel for
State.
Shri N.K. Maloo, Sr. Advocate with
Shri V.K. Tamoliya)
Shri Manish Sharma) for the respondents.

##

Application (38108/14) has been filed for vacation of stay order dated 17.12.2007 by respondent no.6, whereas according to Shri S.R. Surana, learned senior counsel for the petitioner earlier application filed by respondent no.3 for modification of the stay order was already decided by order dated 9.7.2008 in the presence of learned counsel for respondent no.6.

Shri Manish Sharma, learned counsel for respondent no.6 submits that the application so filed on 2.1.2008 was not decided and the matter was deferred on the request of learned counsel for the respondent no.6 to seek instructions on the offer of refund of amount deposited by him along with interest @ 12% per annum and, therefore, the

present application for stay vacation should be held maintainable.

After hearing all the counsels for the parties, including the counsel for intervenor-National Highway Authority of India and perusing the aforesaid orders, it is evident that the stay quo was maintained to the extent of land already acquired and handed over to the intervenor. Although in the order, the offer of the petitioner was noted and it was made clear that in case the writ petition is allowed, or the amount of sale price being refunded to respondent no.6 along with interest, the same would be liable to be adjusted against the amount of sale price to be refunded to respondent no.6. The application dated 2.1.2008 was taken as decided. It is therefore that the respondent has filed the fresh application.

The present application (38108/14) for the same and similar purpose would not be maintainable. The application is dismissed.

The matter be listed for admission on 2.2.2015.

(Mohammad Rafiq),J.

RS/29

being emailed. (Ravi Sharma,P.A.)