

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10491 OF 2013
IN FAST/23118/2013

DY. CHIEF EXECUTIVE ENGINEER, CENTRAL RAILWAY (CONSTRUCTION) DIV.
SOLAPUR AND ANR
VERSUS
BABU NARSING SOMWANSHI

...
Advocate for applicants : Mr. Manish N. Navandar.
Advocate for Non Applicant No.1 : Mr. Girish L. Awale.
AGP for Non Applicant No. 2 : Mr. N. B. Patil.

CORAM : A.M. BADAR, J.
DATE : 21st DECEMBER, 2015.

PER COURT:

1] Heard Shri Navandar, learned counsel for the Acquiring Authority, Shri Girish Awale, Advocate for respondent No.1, so also learned AGP for respondent No.2.

2] This is an application by the Acquiring Authority/Appellant for stay to the effect and operation to the impugned judgment and award.

3] Perused the impugned judgment and award. Shri Navandar, learned counsel for the appellant submits that the award of the Land Acquisition Officer, was to the effect of awarding compensation of Rs. 1.15 Lakhs per Hectare. Same was increased by the learned Reference Court to Rs. 6.5 lakhs per hectare that too, without there being any sale instance to support such exorbitant hike. In submission of Shri Navandar, the acquired land is from village Arvi, whereas, the sale instances relied are from Latur City and that too in respect of the property which was converted for non agricultural use. Perused the impugned award and particularly, paragraphs 21,22 and 23 thereof.

4] This Court by order dated 23.8.2013, has already directed the applicant/Acquiring Authority to deposit the amount representing 50% of the award passed by learned Reference Court. That amount is already deposited and the same is permitted to be withdrawn by non applicant No.1/original claimant, by this Court.

5] In this view of the matter, the application is allowed. Stay granted is confirmed as the conditions of the order dated 23.8.2013 are already complied with by the applicant.

6] Civil application is disposed of.

[A.M. BADAR, J]

grt/-