

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.3342/2013
IN
FIRST APPEAL NO.1189/2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V. S. Tadke for the Applicant

CORAM : K. K. TATED, J.

DATE : JULY 15, 2015

P.C.:

1. Heard the learned counsel for the Applicant.
None for the Respondent though served.

2. This appeal is preferred by the Acquiring Body for stay of the operation and implementation of the impugned award dated 28/09/2012 passed by the Civil Judge, Senior Division, Sangli in LAR No.2/2001 awarding enhanced compensation in respect of the acquired land.

3. The learned counsel for the Applicant submits that in the present proceedings, the SLO issued Notification under section 4 of the Land Acquisition Act, 1894 on 11/09/1997 for acquiring Respondent original claimants' land for minor irrigation project of Arjunwadi-Gomewadi. After following due process of law, the SLO declared

award under section 11 of the said Act on 30/05/1998 and awarded compensation @ Rs.29,500/- to Rs.43,750/- per hector for acquired land.

4. Being aggrieved by the said award, the Respondent-Claimant preferred Reference under section 18 of the Land Acquisition Act, 1894 wherein the Reference Court awarded enhanced compensation.

5. The learned counsel for the Applicant submits that the Reference Court has not considered relevant sale instances on record at the time of awarding enhanced compensation. He submits that the Applicant has good chance of success in the matter. If stay is not granted irreparable loss and injury will be caused to the Applicant. He further submits that pursuant to the order passed by this court, they already deposited entire awarded amount in the Reference Court. He submits that in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award passed by the Tribunal.

6. Considering the submissions made by the learned counsel for the Applicant, following order is passed:

a. The operation and implementation of the impugned award dated 28/09/2012 passed by the Civil Judge, Senior Division, Sangli in LAR No.2/2001 is stayed till hearing and final disposal of the First Appeal.

b. Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

c. The Reference Court is directed to invest the awarded amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till hearing and final disposal of the appeal.

d. Civil Application stands disposed off accordingly.

JUDGE