

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

CIVIL APPLICATION NO. 517 OF 2015
IN
FIRST APPEAL (ST.) NO. 34 OF 2014
WITH
CIVIL APPLICATION NO. 519 OF 2015
IN
FIRST APPEAL (ST.) NO. 38 OF 2014
WITH
CIVIL APPLICATION NO. 521 OF 2015
IN
FIRST APPEAL (ST.) NO. 42 OF 2014
WITH
CIVIL APPLICATION NO. 523 OF 2015
IN
FIRST APPEAL (ST.) NO. 46 OF 2014
WITH
CIVIL APPLICATION NO. 525 OF 2015
IN
FIRST APPEAL (ST.) NO. 50 OF 2014
WITH
CIVIL APPLICATION NO. 527 OF 2015
IN
FIRST APPEAL (ST.) NO. 54 OF 2014
WITH
CIVIL APPLICATION NO. 529 OF 2015
IN
FIRST APPEAL (ST.) NO. 58 OF 2014
WITH
CIVIL APPLICATION NO. 531 OF 2015
IN
FIRST APPEAL (ST.) NO. 62 OF 2014
WITH
CIVIL APPLICATION NO. 533 OF 2015
IN
FIRST APPEAL (ST.) NO. 66 OF 2014
WITH
CIVIL APPLICATION NO. 535 OF 2015

IN
FIRST APPEAL (ST.) NO. 70 OF 2014
WITH
CIVIL APPLICATION NO. 537 OF 2015
IN
FIRST APPEAL (ST.) NO. 74 OF 2014
WITH
CIVIL APPLICATION NO. 539 OF 2015
IN
FIRST APPEAL (ST.) NO. 78 OF 2014

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. A. R. Patil, AGP for the applicant/State.

CORAM : K. K. TATED, J.
DATED : 22/04/2015.

PC.:

. Heard learned AGP for the applicant.

2 These applications are preferred by State of Maharashtra for stay of operation and implementation of common Judgment and Award dated 17.10.2012 passed by the Reference Court in Land References awarding enhanced compensation in respect of acquired land.

3 The learned AGP for applicant submits that Special Land Acquisition Officer issued notification under Section 4 (1) of the Land Acquisition Act on 06.08.1999 for acquiring land from village Khardedigar and Punadnagar, Taluka Kalwan, District Nashik for the Sub-mergence of Suple Dam.

After following due process of law, the Special Land Acquisition officer declared award under Section 11 of the Land Acquisition Act on 29.06.2002.

4 Being aggrieved by the said award, the respondents claimants preferred references under Section 18 of the Land Acquisition Award and demanded compensation of acquired land @ Rs. 3,00,000/- PH for paddy land and Rs.1,50,000/- PH for Pot-Kharaba land.

5 The Reference Court by impugned Judgment and Award held that claimants are entitled to compensation for acquired Jirayat land @ Rs. 1,84,091/- PH and @ Rs.92,046/- PH for Pot-kharaba land alongwith other statutory benefit.

6 The learned AGP submits that the Reference Court without considering the evidence on record held that claimants are entitled for enhanced compensation in respect of acquired land. He submits that during the pendency of the present proceeding, this Hon'ble Court be pleased to stay the impugned Judgment and Award. He submits that if entire amount is recovered by the claimants by preferring execution application, then nothing will survive in these applications. He submits that if they succeed in the present proceeding, then it will be very difficult for them to recover the amount from the claimants. He submits that they have good

chance of success in the above mentioned matters.

7 Considering the submissions made by learned AGP for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application. But at the same time, applicant have to deposit entire decretal amount along with costs and interest in the Reference Court.

8 As this order is passed without issuing notice to the respondents claimants, liberty granted them to take out appropriate applications, if they so desire, for withdrawal of the amount and that applications will be decided on its own merits.

9 Hence, the following order.

a) The operation and implementation of Judgment and Award dated 17.10.2012 passed by the Reference Court in Land References, is stayed on condition that applicant State of Maharashtra to deposit the entire decretal amount alongwith interest and cost, if any, in Reference Court within sixteen weeks from today, failing which civil applications shall stand dismissed without referring back to the court .

b) If amount is not deposited within stipulated time as stated herein above, the respondents claimants are entitled to execute the award according to law.

c) If amount is deposited within stipulated time as stated herein above, the respondents claimants are entitled to prefer appropriate applications, if they so desire, for withdrawal of amount and that applications will be decided on its own merits.

d) All Civil Applications are disposed of accordingly.

(K.K.TATED, J.)