

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1468 OF 2015
IN
FIRST APPEAL (ST) NO.3236 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, A.G.P. for the applicant

Mr.S.S.Kulkarni for the respondent

**CORAM : K.K.TATED, J.
DATED : 16/04/2015**

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by State of Maharashtra for stay of the operation and implementation of the impugned judgment and award dated 25.2.2013 passed by Reference Court in Land Acquisition Reference No.410 of 2000.
- 3 The learned A.G.P. for the applicant submits that in the present proceeding, Special Land Acquisition Reference issued notification under section 4 of the Land Acquisition Act dated 24.9.1996 for acquiring respondents claimants land from village Kopar (Koli), Taluka Panvel District Raigad for New Bombay Project. After

following due process of law, Special Land Acquisition Officer passed award dated 31.3.1989.

4 The learned A.G.P. submits that being aggrieved by the award passed Special Land Acquisition Officer, respondents claimants preferred reference under section 18 of the Land Acquisition Act. In that reference, Reference court awarded enhanced compensation of Rs.889 per sq.metre. He submits that the Reference Court failed to consider the relevant sale deed at the time of awarding enhanced compensation. He submits that they have good chance of success in the present proceeding.

5 Considering the submissions made by the learned A.G.P. for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

(a) Operation and implementation of the impugned judgment and award dated 25.2.2013 passed by Reference Court in Land Acquisition Reference No.410 of 2000 is stayed till the hearing and final disposal of the First Appeal on the condition that applicant to deposit entire decretal amount with interest and cost in the Reference Court within 12 weeks from today, failing which

Civil Application shall stand dismissed without referring back to the court.

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

(c) If the amount is deposited within stipulated time as stated hereinabove, Reference Court is directed to invest entire amount in Fixed Deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of First Appeal.

(d) Liberty granted to the respondents claimants to prefer appropriate application if they so desire for withdrawal of amount and that application be decided on its own merits.

(e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)