

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

CIVIL APPLICATION NO.1637 OF 2015
IN
FIRST APPEAL (ST) NO.14092 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

CORAM : K. K. TATED, J.
DATE : APRIL 29, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned AGP, the matter is taken on board for urgent orders.

2. This Application is for stay of the operation and implementation of the impugned judgment and award dated 04/09/2013 passed by the Reference Court at Raigad at Alibaug in LAR No.474/2000 (Old LAR No.72/1990) by which the Reference Court awarded enhanced compensation. He submits that the Respondent-Claimant filed Execution Application for execution of the impugned judgment and award.

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 for acquiring Respondent claimants' land for New Mumbai Project from village Karal, Tq. Uran Dist. Raigad. He submits that after following due process of law, the SLO passed an award under section 11 of the Land Acquisition Act, 1894 and awarded compensation in respect of the acquired land @ Rs.46000/- to Rs.49000/- per hector.

4. Being aggrieved by the said award, the Respondent-Claimant preferred Reference under section 18 of Land Acquisition Act, 1894 and the Reference Court awarded enhanced compensation @ Rs.600/- per sq.mtr.

5. The learned AGP submits that the Reference Court, without considering the sale instance of the relevant time, awarded the enhanced compensation which is at higher side. He submits that the Applicant has good chance of success in the matter. 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 till hearing and final disposal of the appeal.

6. Considering the submissions made by the learned counsel 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.

7. Since this order is being passed without issuing any notice to the Respondent liberty granted to them to file an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

8. Hence, the following order:

a) The operation and implementation of the impugned award dated 04/09/2013 passed by the Reference Court at Raigad at Alibaug in LAR No.474/2000 (Old LAR No.72/1990) is stayed subject to the Applicant depositing the entire awarded amount in the Reference Court along with interest, within 12 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b) If the amount is not deposited within stipulated time as stated herein above, the Respondent-Claimant is entitled to execute the impugned judgment and award as per law.

c) If the amount is deposited within stipulated time as stated hereinabove 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.

d) The Reference Court is directed to invest the 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 further orders.

e) Civil Application stands disposed off accordingly.

JUDGE