

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

**CIVIL APPLICATION NO.913 OF 2015
IN
FIRST APPEAL (ST) NO.34494 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

CORAM : K.K.TATED, J.
DATED : 12/08/2015

PC:

- 1 Heard the learned A.G.P. for the applicant.
- 2 This application is preferred by State of Maharashtra for stay of the operation and implementation of the impugned judgment and award dated 5.8.2014 passed by Reference Court in LAR No.564 of 2000 (Old LAR No.195 of 1990) by which the Reference Court awarded additional compensation of Rs.20,29,349/- in respect of acquired property.
- 3 The learned A.G.P. submits that the Reference Court has not properly considered the sale instances on record at the time of awarding the compensation. The learned A.G.P. for the applicant submits that the Special Land Acquisition Officer issued notification under section 4 of the Land

Acquisition act dated 25.9.1986 for acquiring respondents claimants land situated at Village Panje, Taluka Uran, District Raigad for New Bombay project. He submits that after following due process of law, Special Land Acquisition Officer passed award dated 25.9.1986 and awarded compensation of Rs.30,651/-. He submits that being aggrieved by the said award, respondents claimants preferred Reference under section 18 of the Land Acquisition Act claiming enhanced compensation @ Rs.1000/- per sq.mtr. in respect of acquired land with all other statutory benefits.

4 The learned A.G.P. submits that the Reference Court by impugned award dated 5.8.2014 held that the respondents claimants are entitled compensation in respect of acquired land @ Rs.500/- per sq.mtr. Hence, they preferred the present First Appeal.

5 Considering the submissions made by the learned A.G.P. for the applicant, the averments made in Civil Application and as Reference court has awarded compensation on higher side, I am of the opinion that the applicant has made out a case for allowing Civil Application. At the same time, applicant has to deposit entire awarded amount in the Reference Court within four months from today. As this Civil Application is decided without

issuing notice to the respondents claimants, liberty granted to them to prefer appropriate application if they so desire for withdrawal of amount and that application be decided on its own merits. Hence, following order is passed:

(a) Operation and implementation of the judgment and award dated 5.8.2014 passed by Reference Court in LAR No.564 of 2006 (Old LAR No.195 of 1990) is stayed on the condition that applicant to deposit entire awarded amount with interest and cost in the Reference Court within four months 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 amount is deposited within stipulated time as stated hereinabove, liberty granted respondents claimants to prefer appropriate application if they so desire for withdrawal of amount and that application be decided on its own merits.

(d) If 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 half year and same be continued till the further orders.

(e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)