

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

**CIVIL APPLICATION NO. 871 OF 2015
IN
FIRST APPEAL NO. 259 OF 2015**

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 : 15/10/2015.**

PC.:

. Not on board. At the request of learned AGP for the applicant, matter is taken on board for urgent order.

2 The learned AGP submits that the respondent claimants filed Darkhast No. 82 of 2015 for recovery of awarded amount. He submits that if entire amount is recovered by the respondent claimant in Darkhast proceeding, then nothing will survive in the present proceeding. Hence, there is an urgency.

3 This application is preferred by State of Maharashtra for stay of operation and implementation of the Judgment and Award dated 28.08.2014 passed by Civil Judge, Senior Division, Alibag at Raigad in L.A.R. No. 618 of 2000 (old L.A.R. No. 264/1990) holding that respondents

claimant is entitled to compensation in respect of acquired land @ Rs.500/- per sq. meters.

4 In the present proceeding, the Special Land Acquisition Officer issued notification under Section 4 of Land Acquisition Act dated 25.11.1986 for acquiring respondent's claimant's land situated at Village Panje, Taluka Uran for New Bombay project. By following due process of law, the land Acquisition Officer passed Award under Section 11 of Land Requisition Act dated 07.07.1989 and awarded compensation of Rs.8,322.09.

5 Being aggrieved by the said award passed by the Land Acquisition Officer, the respondent claimant preferred Reference under Section 18 of the Land Acquisition Act and claimed compensation of Rs.2000/- per sq. mtr. The Reference Court vide Judgment and Award dated 28.08.2014 allowed the said Reference and awarded market value of acquired land Rs.500/- per sq. mtr.

6 The learned AGP submits that the Reference Court erred in coming to the conclusion that the market value in respect of acquired land was Rs.500/- per sq. mtr. on the date of issuing notification under Section 4 of L.A. Act. He submits that the Reference court has not considered the relevant Sale Deeds on record for deciding the market value of acquired land. He submits that they

have good chance of success in the present proceeding. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of impugned Award till the hearing and final disposal of the First Appeal.

7 Considering the submissions made by the learned AGP and averments made in Civil application, I am satisfied that applicant has made out case for allowing the civil application. But, at the same time, they have to deposit the entire awarded 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.

8 Hence, following order.

a) The operation and implementation of impugned Award dated 28.08.2014 passed by Civil Judge, Senior Division, Alibag at Raigad in L.A.R. No. 618 of 2000 (old L.A.R. No. 264 of 1990) is stayed till the hearing and final disposal of the First Appeal on condition that Applicant State of Maharashtra to deposit the entire awarded 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 herein above, the respondent claimant is entitled to proceed with the Darkhast Proceeding no. 82 of 2015 for recovery of awarded amount.

c) If amount is deposited within stipulated time as stated hereinabove, the Reference Court is directed to invest the entire amount in fixed deposit of any nationalized bank initially for the period of one year and same to be continued till further orders from this Court.

d) Liberty is granted to the respondent claimant to prefer appropriate application, if he so desire, for withdrawal of amount and that application will be decided on its own merits.

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)