

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

CIVIL APPLICATION NO.3688/2015
IN
FIRST APPEAL (ST) NO. 33423/2010

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.

DATE : JANUARY 27, 2016

P.C.:

1. Heard. This application is made by the State of Maharashtra for stay of the operation and implementation of the impugned award dated 31/03/2010 passed by the Civil Judge, Senior Division, Barshi in LAR No.478/2002 awarding sum of Rs.75,200/- by way of additional compensation.

2. The learned AGP for the State submits that in the present proceedings, the Special Land Acquisition Officer issued Notification u/s. 4 of the Land Acquisition Act, 1894 for acquiring the claimant respondent's land being Gat No.441 admeasuring 1H 60R + 0.5 potkharaba situated at village Babhulgaon, Tq. Barshi, Dist. Solapur for Babhulgaon Medium Project. He submits that after following due process of law, the Special Land

Acquisition Officer passed award u/s. 11 of the said Act and awarded compensation of Rs.1,94,069/-. Being aggrieved thereby, the respondent-claimant filed Reference u/s. 18 of the said Act and claimed compensation of Rs.6 lacs towards the acquired land in addition to the compensation already awarded by the SLO. He submits that the Reference Court awarded additional compensation on the basis of earlier judgment with regard to the similarly situated land. He submits that the Reference Court erred in coming to the conclusion that the respondent-claimant are entitled to enhanced compensation on the basis of earlier judgments in LAR Nos.372/2002 and 354/2002. He submits that the Applicant has good chance of success in the matter. He submits that if stay is not granted, irreparable loss, harm and injury will be caused to the Applicant. On the basis of this submission, the learned counsel for the Applicant submits that, in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned award.

3. Considering the submissions made by the learned AGP for the State, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, this being a money decree, the applicant has to deposit

the entire awarded amount in the Tribunal within 12 weeks from today.

4. Hence, the following order:

a. The operation and implementation of the impugned judgment and award dated 31/03/2010 passed by the Civil Judge, Senior Division, Barshi in LAR No.478/2002 is stayed, till hearing and final disposal of the appeal on condition that the Applicant State to deposit the entire awarded amount with interest, cost, if any, in the Tribunal within 12 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If the entire awarded amount is not deposited within stipulated time as stated hereinabove, the Respondents are entitled to execute the award as per law.

c. If the entire awarded amount is deposited within stipulated time as stated hereinabove, the Tribunal is directed to invest the same in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

d. Liberty granted to the Respondent claimants

to make an appropriate Application for withdrawal of awarded amount, if they so desire, which will be decided on its own merits

e. Civil application stands disposed off accordingly.

JUDGE