

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

**CIVIL APPLICATION NO.3789 OF 2015
IN
FIRST APPEAL (ST). NO.82 OF 2014
WITH
CIVIL APPLICATION NO.3791 OF 2015
IN
FIRST APPEAL (ST). NO.86 OF 2014
WITH
CIVIL APPLICATION NO.3793 OF 2015
IN
FIRST APPEAL (ST). NO.90 OF 2014
WITH
CIVIL APPLICATION NO.3795 OF 2015
IN
FIRST APPEAL (ST). NO.94 OF 2014
WITH
CIVIL APPLICATION NO.3797 OF 2015
IN
FIRST APPEAL (ST). NO.98 OF 2014
WITH
CIVIL APPLICATION NO.3799 OF 2015
IN
FIRST APPEAL (ST). NO.102 OF 2014
WITH
CIVIL APPLICATION NO.3801 OF 2015
IN
FIRST APPEAL (ST). NO.107 OF 2014
WITH
CIVIL APPLICATION NO.3803 OF 2015
IN
FIRST APPEAL (ST). NO.111 OF 2014
WITH
CIVIL APPLICATION NO.3805 OF 2015
IN
FIRST APPEAL (ST). NO.116 OF 2014
WITH
CIVIL APPLICATION NO.3807 OF 2015
IN
FIRST APPEAL (ST). NO.120 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr.A.R.Patil, A.G.P for the applicant

CORAM : K.K.TATED, J.
DATED : 25/01/2016

PC:

- 1 Heard the learned counsel for the applicant.
- 2 All these Civil Applications are preferred by the State of Maharashtra for stay of the operation and implementation of the judgment and award dated 31.10.2012 passed by Reference Court in Land Acquisition References.
- 3 The learned A.G.P for the applicant submits that in the present proceeding, Special Land Acquisition Officer issued notification under section 4 of the Land Acquisition Act on 6.8.1999 for acquiring respondents lands from Village Khardedigar and Punadnagar from Tahsil Kalwan for the submergence of Suple Dam. He submits that after following due process of law, Special Land Acquisition Officer under section 11 of the Act passed award dated 29.6.2002 and awarded compensation.
- 4 The learned A.G.P for the applicant submits

that being aggrieved by the said award, respondents claimants filed reference under section 18 of the Land Acquisition Act and demanded compensation of acquired land Rs.3,00,000/- per hector for paddy lands and Rs.1,50,000/- per hector for pot kharaba land along with statutory benefits u/s.23(1A) and s.23(2) of Land Acquisition Act. He submits that the Reference Court without considering the sale instances on record awarded enhanced compensation of the acquired land at Rs.1,84,091/- per hector for jirayat land and Rs.92,046/- per hector for pot kharaba land along with statutory benefits.

5 The learned A.G.P. submits that applicant has good chance of success. He submits that in the interest of Justice, this Hon'ble Court be pleased to stay the operation and implementation of the the judgment and award passed by Reference Court on 31.10.2012 till the hearing and final disposal of First Appeal. He submits that if amount is recovered by the claimants, nothing will survive in the present proceeding.

6 Considering the submissions made by the learned A.G.P. for the applicant and after perusing the impugned judgment and award passed by Reference Court, I am of the opinion that the applicant has made out a case for allowing Civil

Application. This being a money decree, they have to deposit entire awarded amount in the Reference Court. Hence, following order is passed:

- a. The operation and implementation of the impugned judgment and award dated 31.10.2012 passed by Reference Court in Land Acquisition References is stayed till hearing and final disposal of the First Appeal on the condition that the Applicant State of Maharashtra to deposit the entire awarded amount with interest, cost, if any, in the Reference Court within 16 weeks from today, failing which the Civil Applications 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 Respondent-claimants are entitled to execute the award as per law.
- c. If amount is deposited within stipulated time as stated hereinabove, 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 and same shall be renewed from time to time till hearing and final disposal of the appeal.
- d. If amount is deposited within stipulated time as stated hereinabove, liberty granted to the claimants to prefer an appropriate Application for

withdrawal of amount, if they so desire, which will be decided on its own merits

e. Civil application stands disposed off accordingly.

(K.K.TATED, J.)