

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

**CIVIL APPLICATION NO.4234 OF 2014
IN
FIRST APPEAL NO.1451 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 : 11/01/2016

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 award dated 15.11.2013 passed by Reference Court in L.A.R.No.39 of 2003 (Old L.A.R.No.24 of 2002).
- 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 11.6.1991 for acquiring respondent's land situated at village Kurli, Tal. Vaibhavwadi, Dist. Sindhudurg for public purpose i.e. for submersion area of Devgad Medium Irrigation Project. He submits that after following due process of law, Special Land

Acquisition Officer by award dated 30.3.1995 awarded sum of Rs.12,0932/- by way of compensation to the respondents claimants.

4 The learned A.G.P for the applicant submits that being aggrieved by the said award, respondent claimant filed reference under section 18 of the Land Acquisition Act. He submits that in the said Reference, Reference Court awarded enhanced compensation in respect of acquired land. He submits that Reference Court has not considered sale deeds on record in proper way at the time of awarding enhanced compensation. He submits that applicant has good chance of success. He submits that pending the hearing and final disposal of First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the award dated 15.11.2013 passed by Reference Court in L.A.R.No.39 of 2003. He submits that if stay is not granted, irreparable loss will be caused to them.

5 Considering the submissions made by the learned A.G.P for the applicant and the impugned award passed by Reference Court by which Reference Court awarded enhanced compensation in favour of respondent claimant of more than 50%, I am of the opinion that the applicant has made out a case for allowing Civil Application. Hence, following order is passed:

- a. The operation and implementation of the impugned judgment and award dated 15.11.2013 passed by Reference Court in L.A.R.No.39 of 2003 (Old L.A.R.No.24 of 2002) is stayed, till hearing and final disposal of the appeal on condition that the Applicant State of Maharashtra to deposit the entire awarded amount with interest, cost, if any, in the Reference Court 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 Respondent-claimants are entitled to execute the award as per law.
- c. 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. 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.)