

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

CIVIL APPLICATION NO.921 OF 2015

IN

FIRST APPEAL (ST). NO.25432 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 : 25/01/2016

PC:

- 1 Heard the learned counsel for the applicant.
- 2 This application is preferred by State of Maharashtra for stay of the operation and implementation of the award dated 10.4.2014 passed by Joint Civil Judge, Senior Division, Alibag in L.A.R.No.114 of 2003 by which sum of Rs.4,46,858/- is awarded by way of additional compensation in favour of respondent claimant.
- 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 18.5.2000 for acquiring respondent's land situated at village Pen, Taluka Pen, District Raigad for Hetawane Medium Left Teer Canal Project. He submits that after following due process of law, Special Land

Acquisition Officer by award dated 14.5.2003 awarded sum of Rs.2,48,725/- 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 of Rs.4,46,858/- in respect of acquired land. He submits that Reference Court has not considered the relevant sale instances at the time of passing impugned award and awarded enhanced compensation @ Rs.450/- psm. 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 10.4.2014 passed by Joint Civil Judge, Senior Division, Alibag in L.A.R.No.114 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 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 Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 10.4.2014 passed by Joint Civil Judge, Senior Division, Alibag in L.A.R.No.114 of 2003 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 16 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. 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.)