

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

CIVIL APPLICATION NO.3278/2015

IN

FIRST APPEAL (ST) NO. 25439/2014

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, AGP for the Appellant 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 judgment and award dated 17/04/2013 passed by the Civil Judge, Senior Division Thane in LAR No.5/2011 (Old LAR No.31/1986) by which the Reference Court awarded additional compensation of Rs.13217/- to the Respondent-claimant.

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 on 27/12/1966 for acquiring the Respondent-claimant's land situated at village Sawali, Tq. And Dist. Thane for the

purpose of planned development and utilization of the lands in the Trans Thane Creek area for the industrial, commercial and residential purpose. He submits that after following due process of law, the Special Land Acquisition Officer passed award dated 30/08/1985 and awarded compensation of Rs.5.40 PSM. He submits that being aggrieved thereby, the Respondent-claimant filed Reference u/s. 18 of the said Act. He submits that the Reference Court awarded additional compensation @ Rs.12/- PSM. The learned AGP submits that at the time of awarding additional compensation in respect of the acquired land, the Reference Court has not considered the sale instances on record properly. 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 till hearing and final disposal of the appeal.

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 17/04/2013 passed by the Civil Judge, Senior Division Thane in LAR No.5/2011 (Old LAR No.31/1986) 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