

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

CIVIL APPLICATION NO.3683/2015

IN

FIRST APPEAL (ST) NO. 310/32/2010

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 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 dated 07/11/2009 passed by the Civil Judge, Senior Division, Barshi, Dist. Solapur in LAR No.1/2005 by which the Reference Court awarded additional compensation of Rs.72,850/- to the Respondent-claimant towards the acquired land.

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 Respondent-claimant's land admeasuring 1.55 R

being Gat No.280 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 dated 11/02/1998 and awarded compensation of Rs.43,400/- to the respondent-claimant. 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.72,850/-. The learned AGP submits that at the time of awarding additional compensation in respect of the acquired land, the Reference Court has relied on previous judgment in LAR No.352/2002. He submits that the Reference Court has erred in awarding the enhanced compensation. 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 07/11/2009 passed by the Civil Judge, Senior Division, Barshi, Dist. Solapur in LAR No.1/2005 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