

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3699/2015
IN
FIRST APPEAL (ST) NO. 33388/2010

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 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 award dated 15/04/2010 passed by the Civil Judge, Senior Division, Barshi, Dist. Solapur in LAR No.808/2002, by which the Reference Court awarded additional compensation of Rs.48,187/- in respect of 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's land situated at village Bavi, Tq. Barshi, Dist. Solapur for Pimpalgaon Dhale Medium project. He submits that after following due process of law, the Special Land Acquisition

Officer passed award and awarded compensation of Rs.1,48,462/-. Being aggrieved thereby, the claimant filed Reference u/s. 18 of the said Act. The Reference Court awarded additional compensation Rs.48,187/-.

3. The learned AGP submits that at the time of awarding additional compensation in respect of the acquired land, the Reference Court failed to consider the affidavit and exhibit No.59 and the judgment in previous LAR No.589/2002 filed by the State of Maharashtra. He submits that the Reference Court has awarded additional compensation on the basis of sale instances which were not proved by the respondent claimant. 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 AGP 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.

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 15/04/2010 passed by the Civil Judge, Senior Division, Barshi, Dist. Solapur in LAR No.808/2002 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 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 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 Reference Court 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