

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

CIVIL APPLICATION NO.2064/2015
IN
FIRST APPEAL (ST) NO. 33327/2012
WITH
CIVIL APPLICATION NO.2066/2015
IN
FIRST APPEAL (ST) NO. 33431/2012
WITH
CIVIL APPLICATION NO.2068/2015
IN
FIRST APPEAL (ST) NO. 33437/2012
WITH
CIVIL APPLICATION NO.2070/2015
IN
FIRST APPEAL (ST) NO. 33445/2012
WITH
CIVIL APPLICATION NO.2072/2015
IN
FIRST APPEAL (ST) NO. 33454/2012
WITH
CIVIL APPLICATION NO.2074/2015
IN
FIRST APPEAL (ST) NO. 33460/2012
WITH
CIVIL APPLICATION NO.2076/2015
IN
FIRST APPEAL (ST) NO. 33511/2012
WITH
CIVIL APPLICATION NO.2078/2015
IN
FIRST APPEAL (ST) NO. 33535/2012
WITH
CIVIL APPLICATION NO.2080/2015
IN
FIRST APPEAL (ST) NO. 33547/2012
WITH
CIVIL APPLICATION NO.2082/2015

IN
 FIRST APPEAL (ST) NO. 33553/2012
 WITH
 CIVIL APPLICATION NO.2084/2015
 IN
 FIRST APPEAL (ST) NO. 33577/2012
 WITH
 CIVIL APPLICATION NO.2086/2015
 IN
 FIRST APPEAL (ST) NO. 33581/2012
 WITH
 CIVIL APPLICATION NO.2088/2015
 IN
 FIRST APPEAL (ST) NO. 33585/2012

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 Applicant State.

CORAM : K. K. TATED, J.
DATE : JANUARY 7, 2016

P.C.:

1. Heard the learned AGP for the Applicant State. All these Civil Applications are made by the State of Maharashtra for stay of the impugned common award dated 30/10/2010 passed by the learned District Judge – III, Nasik in LAR Nos.355/2004 to 367/2004.

2. The learned AGP submits that in the present proceedings, the Special Land Acquisition Officer issued Notification under section 4 of the Land

Acquisition Act, 1894 (said Act) dated 16/09/2000 for acquiring Respondent claimant's land situate at village Bapkheda Dist. Nasik for Unnayi Irrigation Dam and Canal project. Thereafter a Notification under section 6 of the said Act was issued on 21/06/2001. He submits that after following due process of law, the Special Land Acquisition Officer declared Award under section 11 of the said Act and awarded compensation.

3. The learned AGP submits that being aggrieved by the award passed by the Special Land Acquisition Officer, the Respondent claimants filed Reference under section 18 of the said Act and claimed compensation of Rs.3 lacs per hector against the acquired land. He submits that the Reference Court, relying on sale instance Exhibit-20 awarded enhanced compensation for the acquired land. He further submits that the Reference Court erred in coming to the conclusion that the Respondent claimants are also entitled for rental compensation @ 8% p.a. on the market value as determined by the Court from the date of possession till notification under section 4 of the said Act i.e. 27/05/2000.

4. The learned AGP submits that the Applicant has good chance of success. He submits that if stay

is not granted, irreparable loss will be caused to the Applicant. Hence, in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned award passed by the Reference Court till hearing and final disposal of the appeal.

5. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as the Reference Court has awarded rental compensation @ 8% p.a. on the market value as determined by the Court from the date of possession till notification under section 4 of the said Act, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, it is to be noted that since this is a money decree, the Applicant has to deposit the entire awarded amount in the Reference Court within 3 months from today.

6. Hence, the following order:

a) The operation and implementation of the impugned common award dated 30/10/2010 passed by the learned District Judge – III, Nasik in LAR Nos.355/2004 to 367/2004 is stayed till hearing and final disposal of the appeal, subject to the Applicant depositing the entire awarded amount including interest and costs in the

Reference Court within 3 months from today, failing which the Civil Applications shall stand dismissed without further reference to the court.

b) If 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 entire award 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 awarded amount, if they so desire, which will be decided on its own merits

e) Civil applications stand disposed off accordingly.

JUDGE