

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

**CIVIL APPLICATION NO.917 OF 2015
IN
FIRST APPEAL (ST). NO.33121 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 17.5.2014 passed by Joint Civil Judge, Senior Division, Alibag in L.A.R.No.614 of 2000 (Old L.A.R.No.260/1990) by which sum of Rs.11,67,512/- 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 8.12.1987 for acquiring respondent's land situated at village

Kaladhonda, Taluka Uran, District Raigad for New Bombay Project. He submits that after following due process of law, Special Land Acquisition Officer by award dated 22.12.1989 under section 11 of the Land Acquisition Act awarded compensation in favour of 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 @ Rs.2,000/- psm. He submits that Reference Court without considering the sale deeds on record held that the respondents claimants are entitled compensation in respect of acquired land @ Rs.500/- psm which is on higher side. 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 17.5.2014 passed by Joint Civil Judge, Senior Division, Alibag in L.A.R.No.614 of 2000 (Old L.A.R.No.260/1990). 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 17.5.2014 passed by Joint Civil Judge, Senior Division, Alibag in L.A.R.No.614 of 2000 (Old L.A.R.No.260/1990) 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. 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. 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.)