

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.9431/2016gr

**931 CIVIL APPLICATION NO. 9431 OF 2016
IN FAST/14250/2016**

WITH
CA/9432/2016 IN FAST/14250/2016
WITH
CA/9433/2016 IN FAST/16619/2016
WITH
CA/9434/2016 IN FAST/16619/2016
WITH
CA/9435/2016 IN FAST/16614/2016
WITH
CA/9436/2016 IN FAST/16614/2016
WITH
CA/9437/2016 IN FAST/16601/2016
WITH
CA/9438/2016 IN FAST/16601/2016
WITH
CA/9439/2016 IN FAST/16597/2016
WITH
CA/9440/2016 IN FAST/16597/2016
WITH
CA/9441/2016 IN FAST/16573/2016
WITH
CA/9442/2016 IN FAST/16573/2016
WITH
CA/9443/2016 IN FAST/16545/2016
WITH
CA/9444/2016 IN FAST/16545/2016
WITH
CA/9445/2016 IN FAST/16528/2016
WITH
CA/9446/2016 IN FAST/16528/2016
WITH
CA/9447/2016 IN FAST/16500/2016
WITH
CA/9448/2016 IN FAST/16500/2016
WITH
CA/9449/2016 IN FAST/16466/2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.9431/2016gr

WITH
CA/9450/2016 IN FAST/16466/2016
WITH
CA/9451/2016 IN FAST/16432/2016
WITH
CA/9452/2016 IN FAST/16432/2016

THE MAHARASHTRA KRUSHNA VALLEY DEVELOPMENT
CORPORATION THR ITS EXE ENGINEER, MED
VERSUS
AHMED RASHID SHAIKH AND ORS

...
Advocate for Applicant : Mr.Gaikwad Anil M.
AGP for Respondent State: Mr. R.B.Bagul
Mr.Patil Laxmikant C., Adv.,for respondent no.1.

...
CORAM : P.R. BORA, J.
Dated: June 09, 2017
...

PER COURT :-

1. Learned Counsel appearing for the original claimants has fairly conceded for condonation of delay and to take up the appeals expeditiously for final disposal. In view of the submission so made, the delay caused in filing the present appeals is condoned. Civil Applications for condonation of delay stand disposed of. The Appeals be registered in accordance with law.

2. After registration of the appeals, issue notice to the respondents in the appeals returnable after four weeks. Shri L.C.Patil, learned Counsel, waives service for respondent / original claimants. Service complete. Call for R & P.

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(3)

CA NO.9431/2016gr

Place the matters for admission on 7.7.2017.

3. Heard learned Counsel on Civil Applications for stay. Shri Gaikwad, learned Counsel appearing for the appellant/applicant, submitted that the Reference Court has arbitrarily enhanced the amount of compensation. Learned Counsel submits that when Special Land Acquisition Officer had offered compensation at the rate of Rs.1,000/- per Are, the Reference Court has enhanced it to Rs.33,600/- per Are. Learned Counsel submits that there is no sufficient evidence so as to enhance the compensation to the said extent. Learned Counsel, therefore, has prayed for staying the effect and operation of the impugned awards without asking the acquiring body to deposit any amount of compensation in this Court. Shri L.C.Patil, learned Counsel, appearing for the original claimants, has opposed the submission. Learned Counsel submitted that sufficient evidence was adduced by the claimants which has been duly considered by the Reference Court and, accordingly, the amount of compensation has been enhanced. Learned Counsel submits that the acquiring body did not make any endeavour to adduce any evidence on its behalf. Learned Counsel, therefore, prayed that if at all the execution of the impugned awards is stayed, the acquiring body be directed to deposit entire amount of compensation as awarded by the Reference Court. Having regard to the submission so made, I deem it appropriate to pass the following order:

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(4)

CA NO.9431/2016gr

ORDER

1. The execution of the awards impugned in the present appeals shall stand stayed subject to deposit of the 60 per cent of the amount under each of the said awards along with the interest accrued thereon in this Court by the appellant acquiring body within twelve weeks from the date of this order.

Civil Applications for stay stands disposed of.

(P.R. BORA, J.)

...