

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.12148/2016

**913 CIVIL APPLICATION NO. 12148/2016 IN
FAST/24152/2016
WITH
CA/12151/2016 IN FAST/24248/2016**

THE STATE OF MAHARASHTRA AND ORS
VERSUS
MANIK BALLAM SONTAKKE

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AGP for Applicant State : Mr. R.B.Bagul
Mrs. P G Sontakke, Adv., for respondent sole.

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CORAM : P.R. BORA, J.
Dated: June 23, 2017

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PER COURT :-

1. Learned A.G.P. has prayed for granting stay to the impugned judgment and award. Learned A.G.P. submitted that the Special Land Acquisition Officer had offered the compensation at the rate of Rs.16,500/- per hectare whereas Reference Court has enhanced it to Rs.5,00,000/- (Rs. five lakhs) per hectare for Jirayat land and Rs.10,00,000/- (Rs. ten lakhs) per hectare for irrigated land. Learned A.G.P. further submitted that without there being any sufficient evidence, the Reference Court has awarded excessive compensation and has unreasonably enhanced the amount of compensation. Learned Counsel, therefore, prayed for staying the effect and operation of the impugned judgments and awards without requiring the State for deposit of amount of compensation.

agp/-

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(2)

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2. The applications so made are opposed by the learned Counsel for the claimants. Learned Counsel submitted that the acquisition is of the year 1998; Reference applications were filed in the year 2003 and the same have been decided in the year 2013 and since then the claimants have not received a single pie. Learned Counsel, therefore, prayed for directing the State to deposit the entire amount of compensation with interest accrued thereon.

3. After having considered the submissions made by the learned Counsel appearing for respective parties and considering the grounds of objections raised in exception to the impugned judgment, I deem it appropriate to pass the following order:

ORDER

1. The execution of the awards impugned in the present appeals shall stand stayed subject to deposit of 50 per cent of the amount under each of the aforesaid awards along with the interest thereon in this Court by the appellant within twelve weeks from the date of this order.

3. Civil Applications for stay stand disposed of.

(P.R. BORA, J.)

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agp/-