

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

**CIVIL APPLICATION NO.2008 OF 2016
IN
FIRST APPEAL (ST.) NO.1 OF 2013**

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
DATE : AUGUST 14, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking stay of the operation and implementation of the judgment and award dated 19.12.2011 passed by Reference Court in L.A.R.No.295 of 2003 holding that Respondent original Claimants are entitled sum of Rs.1,49,085/- by way of additional compensation in respect of acquired land.

3 The learned A.G.P. submits that in the

present proceedings, Special Land Acquisition Officer issued notification under section 4 of the Land Acquisition Act, dated 16.7.1998 for acquiring Respondent's land admeasuring OH. 39R. land from Gut no.52 situated at village Sheri Digar, Taluka Kalwan, District Nashik for the purpose of construction of Sule Unai Submergence Project.

4 The learned A.G.P. submits that after following due process of law, Special Land Acquisition Officer declared award under section 11 of the said Act dated 15.11.2000 holding that Respondent original Claimants are entitled compensation in respect of acquired land @ Rs.27,197/- per Hector.

5 The learned A.G.P. submits that, being aggrieved by the said award, Respondent original Claimant preferred reference under section 18 of the Land Acquisition Act. In the said Reference, Reference Court awarded enhanced compensation in respect of acquired land @ Rs.2,50,000/- per Hector and also claimed Rs.2.0 lac towards compensation of Mango and Jambhul trees. He submits that Reference Court without considering the evidence on record, particularly sale instance, held that Claimants are entitled additional compensation of Rs.1,49,085/-.

6 The learned A.G.P. submits that they have good chance of success in the present proceeding. He submits that if entire compensation is recovered by Respondent original Claimant by filing execution Application, then nothing will survive in the present proceeding. He submits that pending the hearing and final disposal of the First Appeal, this Hon'ble court be pleased to stay the operation and implementation of the impugned judgment and award.

7 Considering the submissions made by the learned counsel for the Applicant and the impugned judgment and award passed by Reference Court holding that Claimants are entitled additional compensation of Rs.1,49,085/- I am satisfied that the Applicant has made out a case for allowing the Civil Application, but they have to deposit entire awarded amount with interest in the Reference Court on or before 19.10.2019 failing which the Civil Application shall stand dismissed without referring back to the court. Hence, following order is passed:

- a. Operation and implementation of the impugned judgment and award dated 19.12.2011 passed by Reference Court in

LAR No. 295 of 2003 is stayed till the hearing and final disposal of the First Appeal, on condition that Applicant to deposit entire awarded amount with interest in the Reference Court on or before 19.10.2019, failing which Civil Applications shall stand dismissed without referring back to the court.

- b. Reference court is directed to invest the said amount in fixed deposit of any nationalized bank initially for a period of one year and same be continued till further orders.
- c. Liberty granted to the Respondents/Claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.
- d. Civil Application stands disposed of accordingly.
- e. No order as to costs.

(K.K.TATED, J.)