

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1689/2019

in

First Appeal (ST) No.1314/2019

with

Civil Application No.1691/2019

in

First Appeal (ST) No.3079/2019

with

Civil Application No.1693/2019

in

First Appeal (ST) No.1109/2019

with

Civil Application No.1695/2019

in

First Appeal (ST) No.1699/2019

with

Civil Application No.1697/2019

in

First Appeal (ST) No.1100/2019

with

Civil Application No.1699/2019

in

First Appeal (ST) No.1704/2019

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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Mrs. Tanaya Goswami, AGP for the Applicant

CORAM : K.K.TATED.J.

DATED : JUNE 24, 2019

P.C.

1 Heard. These Applications are for stay to the operation and implementation of the judgments and awards dated

27.02.2017 passed by the learned Civil Judge, Senior Division Naik in respective LARs holding that the Respondent-Claimants are entitled to additional compensation in respect of the acquired land.

2 The learned AGP submits that the Special Land Acquisition Officer had issued Notification u/s.4 of the Land Acquisition Act, 1894 on 07.04.2005 for acquiring the Respondent-claimants land situated at mauje Kanvai, Tq. Igatpuri, Dist. Nasik for Nashik Chankapur Right Canal. He submits that after following due process of law, the Special Land Acquisition Officer passed award u/s.11 of the said Act on 06.03.2007 and awarded compensation. She submits that being aggrieved by the said award, the claimant preferred Reference u/s.18 of the said Act claiming enhanced compensation.

3 The learned AGP submits that the Reference Court by impugned judgments and awards without considering the sale instances on record held that the Respondent-Claimants are entitled to additional compensation in respect of the acquired land. She submits that the compensation awarded by the Reference

Court is on higher side. She submits that if the entire amount is recovered by the claimants by filing Execution Application then nothing will survive in the present proceedings. She submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till hearing and final disposal of the First Appeal. She submits that if stay is not granted irreparable loss will be caused to them.

4 Considering the submissions made by the learned counsel for the Applicant and the impugned judgment and award, I am satisfied that the Applicant has made out a case for allowing the present Civil Applications.

5 Hence, following order is passed:

a. The Civil Applications are allowed in terms of prayer clause (b) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 30.09.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b. The Tribunal is directed to invest the awarded 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 further orders.

c. 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

d. The Civil Applications stand disposed of accordingly. No order as to costs.

(K.K.TATED, J.)