

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 871 OF 2019
IN
FIRST APPEAL (ST) NO. 1568 OF 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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Mr. A.R. Patil, AGP for the Applicant.
None for Respondent.

CORAM: K.K.TATED, J.
DATED : 03.09.2019

P.C.

1 Heard learned AGP for the Applicant.

2 Though, the Respondent is duly served, no one appeared on behalf of him, when the matter called out.

3 By this Civil Application, the Applicant is seeking stay of the operation and implementation of the Judgment and Award dated 01.06.2017 passed by the Civil Judge, Senior Division, Alibag, Raigad in LAR No. 337 of 2016 holding that Respondents are entitled to additional compensation of Rs.1,43,92,515/- in respect of acquired land.

4 The learned AGP submits that in the present proceeding, the Special Land Acquisition Officer issued notification under Section 4 of the Land Acquisition Act dated 24.09.1986 for acquiring Respondent's land from village Bokadvira, Taluka Uran, District Raigad for New Bombay project. He submits that after following due process of law, the Special Land Acquisition Officer declared Award and awarded compensation. He submits that being aggrieved by the said award, the Respondent preferred Reference under Section 18 of the L.A. Act.

5 The learned AGP submits that the Reference Court awarded compensation in respect of acquired land on higher side. He submits that at the time of awarding additional compensation, the Reference Court failed to consider the relevant Sale Deed on record. He submits that they have good chance of success in the present matter. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the Judgment and Award passed by the Reference Court.

He submits that if entire amount is recovered by the Respondents Claimants in Execution Application, then nothing will survive in this First Appeal.

6 Considering the submissions made by the learned AGP for the Applicant and averments made in Civil Application, I am satisfied that Applicant has made out a case for allowing this Civil Application, but at the same time, they have to deposit entire awarded amount with accrued interest in the Reference Court.

7 Hence, the following order is passed:

a) Civil Application is allowed in terms of prayer clause (b) on condition that Applicant to deposit the entire awarded amount with interest in the Reference Court on or before 16.11.2019, failing which Civil Application shall stand dismissed without further reference to the Court. Prayer clause (b), reads thus:

"b) That this Hon'ble Court be pleased to stay the operation and/or execution and/or implementation of the Judgment and Award dated 01.06.2017 passed by the Learned Civil Judge, Senior Division, Raigad-Alibag in LAR No. 337 of 2016 till the

hearing and final disposal of the above mentioned First Appeal."

b) If amount is deposited within stipulated time, the Reference Court is directed to invest the entire amount in fixed deposit of any nationalised bank, initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)