

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

**CIVIL APPLICATION NO.3361 OF 2015
IN
FIRST APPEAL (ST.) NO.1984 OF 2013**

WITH

**CIVIL APPLICATION NO.3363 OF 2015
IN
FIRST APPEAL (ST.) NO.2035 OF 2013**

WITH

**CIVIL APPLICATION NO.3365 OF 2015
IN
FIRST APPEAL (ST.) NO.2063 OF 2013**

WITH

**CIVIL APPLICATION NO.3367 OF 2015
IN
FIRST APPEAL (ST.) NO.2094 OF 2013**

WITH

**CIVIL APPLICATION NO.3369 OF 2015
IN
FIRST APPEAL (ST.) NO.2100 OF 2013**

WITH

CIVIL APPLICATION NO.3371 OF 2015

IN

FIRST APPEAL (ST.) NO.2117 OF 2013

WITH

CIVIL APPLICATION NO.3373 OF 2015

IN

FIRST APPEAL (ST.) NO.2129 OF 2013

WITH

CIVIL APPLICATION NO.3375 OF 2015

IN

FIRST APPEAL (ST.) NO.2133 OF 2013

WITH

CIVIL APPLICATION NO.3377 OF 2015

IN

FIRST APPEAL (ST.) NO.2138 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 these Civil Applications, Applicants are seeking stay of the common judgment and award dated 22.6.2012 passed by Reference Court in L.A.R. awarding additional compensation in respect of acquired land.

3 The learned A.G.P. submits that in all these proceedings, Special Land Acquisition Officer issued notification under section 4 of the Land Acquisition Act, dated 3.6.1999 for acquiring Respondent's land for the submergence of Suple Dam. He submits that after following due process of law, Special Land Acquisition Officer declared award dated 29.6.2002 and awarded compensation in respect of acquired land.

4 The learned AGP 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 compensation @ Rs.1,84,091/- per hectare for Jirayat land and Rs.92,046/- per hectare for Pot-kharaba land.

5 The learned A.G.P. submits that the compensation awarded by Reference Court is on higher side. 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 restrain the Respondent from taking any coercive action against the Applicant.

6 Considering the submissions made by the learned counsel for the Applicant and the impugned judgment and award, awarding additional compensation in respect of acquired land, 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 all the Civil Applications shall stand dismissed without referring back to the court. Hence, following order is passed:

- a. Operation and implementation of the common impugned judgment and award dated 22.6.2012 passed by learned 3rd Joint Civil Judge, Senior Division Nasik in LAR

is stayed till the hearing and final disposal of the First Appeals on condition that Applicant to deposit entire awarded amount with interest in the Reference Court on or before 19.10.2019, failing which all 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 Applicants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.
- d. All the Civil Applications stand disposed of accordingly.
- e. No order as to costs.

(K.K.TATED, J.)