

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.921 OF 2016
IN
FIRST APPEAL (ST) NO.2399 OF 2011

The State of Maharashtra and Anr.	.. Applicants
Versus	
Pradeep Madhukar Alat	.. Respondent

Mrs. Tanaya Goswami, AGP for applicant/State.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1. Heard learned AGP for applicant.
2. By this civil application, applicant is seeking stay of the operation and implementation of the judgment and award dated 12.04.2006 passed by Reference Court in Land Acquisition Reference No. 570 of 2002 awarding enhanced compensation in respect of acquired land to the tune of Rs.30,604/-.
3. The learned AGP for the applicant submits that in the present proceedings Special Land Acquisition Officer issued notification under Section 4 of the Land Acquisition Act for acquiring respondent/original claimants land. She submits that

after following due process of law the Special Land Acquisition Officer passed award under Section 11 of the Land Acquisition Act and awarded compensation of Rs.84,229/-. She submits that being aggrieved by the said award, the respondent/original claimants preferred the reference under Section 18 of the Land Acquisition Act. She submits that in that reference, the reference Court awarded additional compensation towards the acquired land of Rs.41,070/- along with 30% solatium and 12% component. She submits that at the time of awarding the additional compensation in respect of the acquired land, the Reference Court failed to consider the sale instances on record. She submits that they have good chance of success in the present proceedings. She submits that if the entire amount is recovered by the respondent/original claimants by preferring Execution Application, then nothing will survive in this First Appeal.

4. The learned AGP for applicant submits that at the time of awarding enhanced compensation, the Reference Court failed to consider the sale instances place 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 impugned judgment and

award till the hearing and final disposal of the First Appeal.

5. Considering the submissions made by learned Counsel for the applicant, averments made in civil application, I am satisfied that the applicant has made out case for allowing this Civil Application. But at the same time applicants have to deposit entire awarded amount in Reference Court along with interest. Hence, following order :-

a) Operation and implementation of impugned judgment and award dated 12.04.2006 passed by Reference Court in Land Acquisition Reference No. 570 of 2002 (Old No.320 of 2000) is stayed till the hearing and final disposal of the First Appeal, on condition that, the applicant to deposit the entire awarded amount in Reference Court on or before 31.07.2019, failing which Civil Application shall stand dismissed without reference to the Court.

b) If amount is deposited within stipulated time, as stated above, the Reference Court is directed to invest the said amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be

continued till further orders.

c) Liberty granted to the respondents/ original 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.)