

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

**CIVIL APPLICATION NO. 2742 OF 2016
IN
FIRST APPEAL ST. NO. 2978 OF 2013**

The State of Maharashtra (Through the
Land Acquisition Officer) Applicant
V/s.
Shri Rajaram Sakharam Ghule ... Respondent
.....
Mr. A.R. Patil, A.G.P. for Applicant-State.
.....

**CORAM : K.K.Tated, J.
DATE : 30th September, 2019**

P.C. :

1. Heard learned A.G.P. Mr. A.R. Patil for the applicant.
2. By this Civil Application, applicant is seeking stay of Judgment and Award dated 21st November, 2011 passed by the learned 4th Joint Civil Judge, Senior Division, Nashik in L.A.R.No. 237 of 2003 holding that the respondent/claimant is entitled additional compensation in respect of the acquired land.
3. The learned A.G.P. Mr. A.R. Patil, appearing on behalf of the applicant submits that, in the present proceeding Special Land

Acquisition Officer issued notification under Section 4 of the Land Acquisition Act on 28th May 2002 for acquiring respondent/claimant land from Shilapur, Taluka & District : Nashik. He submits that, after following due Process of law, Special Land Acquisition Officer declared Award under Section 11 of the said Act on 22nd February, 2003, holding that the respondent/claimant is entitled sum of Rs. 1,30,271/- by way of additional compensation.

4. The learned A.G.P. submits that, being aggrieved by the said Award, respondent/claimant preferred reference under Section 18 of the Land Acquisition Act, claiming the additional compensation in respect of acquired land to the tune of Rs. 1,39,303/-. He submits that, Reference Court without considering the evidence on record held that, the respondent/claimant is entitled additional compensation of Rs. 21,800/-

5. The learned A.G.P. Mr. A.R. Patil submits that, if entire amount is recovered by the respondent/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 impugned Judgment and Award.

6. Considering the submission made by the learned A.G.P. for applicant and averment made in Civil Application, I satisfied that, the applicant has made out a case for allowing this Civil Application. At the same time they have to deposit the entire awarded amount with interest in the Reference Court. Hence following order is passed.:

: ORDER :

a) Civil Application is allowed in terms of prayer clause 'B' which reads thus :

"b) that this Hon'ble Court be pleased to stay the execution, operation and implementation of the Judgment and Award dated 21.11.2011 passed by the Learned 4th Joint Civil Judge, Senior Division, Nashik in L.A.R. 237 of 2003, till the hearing and final disposal of the above mentioned first Appeal;"

On conditions that, applicant to deposit the entire awarded amount with interest in Reference Court on or before 13th December, 2019 failing which Civil Application shall stands dismissed without referring back to the Court.

b) If amount is deposited within stipulated time, the Reference Court

is directed to invest the entire amount in fixed deposit of any Nationalized Bank initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the respondent/claimant if they so desires to prefer an appropriate application for withdrawal of amount and that will be decided on its own merits.

d) Civil Application is allowed accordingly.

e) No order as to costs

(K.K.Tated, J.)