

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

CIVIL APPLICATION NO.3701/2016
IN
FIRST APPEAL (STAMP)NO.4061/2015

WITH

CIVIL APPLICATION NO.3703/2016
IN
FIRST APPEAL (STAMP)NO.4065/2015

CIVIL APPLICATION NO.3705/2016
IN
FIRST APPEAL (STAMP)NO.4069/2015

CIVIL APPLICATION NO.3707/2016
IN
FIRST APPEAL (STAMP)NO.4079/2015

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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Ms. Tanaya Goswami, AGP for applicants.
Ms. Sandhya Mailgir i/b Bhavna Khemani,
advocate for respondents.

CORAM : K.K.TATED, J.
DATED : JUNE 6, 2019

P.C.

Heard learned counsels for parties.

2. All these civil applications are for stay of
operation and implementation of common

judgment and award dated 17.05.2014, passed by the reference court holding that, respondents/claimants are entitled for additional compensation in respect of acquired land.

3. In the present proceedings, the SLO issued notification under Section 4 of the Land Acquisition Act, 1894 on 27.7.1998 for acquiring respondent/claimant's land for public purpose. After following due process of law, Special Land Acquisition Officer, declared award under Section 11 of the said Act on 30.08.2001, holding that respondents/claimants are entitled compensation in respect of acquired land @ Rs.53,130/-, Rs. 58825/- and Rs.82,857/- per hector.

4. Being aggrieved, respondents filed land reference applications under Section 18 of the said Act. The reference court after considering evidence on record, held that respondents are entitled for compensation in respect of Jirayat lands @ Rs.1,58,625/- per hector, for seasonal bagayati lands and lands for rice cultivation @ Rs.1,98,281/- and for pot kharaba area @ Rs. 79,312/-.

5. Learned counsel for applicant submits that pending the hearing and final disposal of first appeals, this court be pleased to stay the operation and implementation of common judgment and award passed by the reference court on 17.05.2014. She submits that if the entire amount is recovered by the respondents/claimants by preferring applications then, nothing will survive in the first appeal. They have good chance of success in all these matters.

6. Considering the submissions made by the learned counsel for applicants, the averments made in the civil applications and as respondents may recover the entire amount by filing execution applications, I am satisfied that the applicants have made out a case for allowing the applications, on condition that, they have to deposit the entire awarded amount in reference court on or before 31.08.2019.

7. Hence the following order.

a) Common Judgment and award passed by the reference court dated

17.05.2014 in these matters, is stayed pending the hearing and final disposal of first appeals, on condition that, the applicants to deposit the entire awarded amount alongwith the interest and cost if any in reference court on or before 31.08.2019 failing which all civil applications shall stand dismissed without referring back to the court.

c) If amount is deposited within stipulated time as stated above, the reference court is directed to invest the entire amount in the fixed deposit, in any nationalized bank, initially for a period of one year and same be continued till further order.

d) Liberty is granted to respondents/claimants if they so desire to prefer appropriate applications for withdrawal of amount and those applications be decided on its own merits.

e) All civil applications stand disposed of accordingly.

(K.K.TATED, J.)

