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

**CIVIL APPLICATION NO. 1183 OF 2019
IN
FIRST APPEAL (STAMP) NO. 4089 OF 2018**

The State of Maharashtra & Anr. .. Applicants
Vs.
Shri Shankar Kashiram Bramhane & Ors. .. Respondents

Mr. A. R. Patil, AGP for the Applicants-State.

CORAM : K. K. TATED, J.
DATE : 3rd APRIL, 2019.

P. C. :

1. Heard learned AGP for the Applicants-State.
2. Learned AGP submits that by this Civil Application, they are seeking stay of operation and implementation of the common Judgment and Award dated 18.12.2014 passed by Reference Court in LAR No. 72 of 2006.
3. Learned AGP submits that the Reference Court awarded enhanced compensation of Rs.73,929/- in respect of acquired land. Hence, they preferred the present First Appeal. Learned AGP submits that in these proceedings Special Land Acquisition Officer issued notification under Section 4 of the Land Acquisition Act on 17.02.2003 for acquiring Respondents-Claimants' land from village Patali, Taluka Peth, District Nashik for the purpose of submergence area of Main Sandva Dam. After following due process of law, the Special Land Acquisition Officer declared Award dated 27.12.2005 and awarded compensation in respect of

acquired land. He submits that the Respondents/Claimants made Reference under Section 18 of the Land Acquisition Act. He submits that the Reference Court without considering the evidence on record, awarded the enhanced compensation in respect of acquired land. Hence, they preferred the First Appeal.

4. Learned AGP submits that pending the hearing and final disposal of the First Appeal, operation and implementation of the impugned Judgment and Award be stayed. He submits that, if the entire amount is withdrawn by the Claimants, nothing will survive in the proceedings.

5. Considering the submission made by the learned AGP for the Applicants and the impugned Judgment and Award, the Applicants have made out case for following order:

(i) Operation and implementation of the impugned Judgment and Award dated 18.12.2014 passed by the learned Civil Judge Senior Division, Nashik in LAR No. 72 of 2006 is stayed on condition that the Applicants to deposit the entire awarded amount along with interest in Reference Court on or before 26.07.2019, failing which the Civil Application shall stand dismissed without referring back to this Court.

(ii) If the 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 thereafter the same shall be continued from time to time till further

orders.

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

(iv) The Civil Application stands disposed of accordingly.

(v) No order as to costs.

[K. K. TATED, J.]