

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1583 OF 2015
IN
FIRST APPEAL No.499 OF 2015

The State of Maharashtra
(Through the Special Land
Acquisition Officer) and Anr. ...Applicant
Vs.
Shri Panddu Laxman Marge
(Deceased) Through His
Legal Heirs Harman Barku
Marge and Ors. ...Respondents

WITH
CIVIL APPLICATION No. 1584 OF 2015
IN
FIRST APPEAL No. 500 OF 2015

The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants
Vs.
Smt. Tai Shankar Gorale ... Respondent

WITH
CIVIL APPLICATION NO.1585 OF 2015
IN
FIRST APPEAL No. 501 OF 2015

The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants
Vs.
Shri Deoram Krusha Mokashi ... Respondent

WITH
CIVIL APPLICATION No 1586 OF 2015

IN
FIRST APPEAL No. 502 OF 2015

The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants
Vs.
Shankar Kashiram Mokashi ... Respondent

WITH
CIVIL APPLICATION No. 1587 OF 2015

IN
FIRST APPEAL No. 503 OF 2015

The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants
Vs.
Shri Bhoru Mahadu Mokashi ... Respondent

WITH
CIVIL APPLICATION No. 1588 OF 2015

IN
FIRST APPEAL No. 504 OF 2015

The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants
Vs.
Shri Jayram Kashiram Bhoys ...Respondent

WITH
CIVIL APPLICATION No. 1589 OF 2015

IN
FIRST APPEAL No. 505 OF 2015

The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants
Vs.
Deoram Kalu Bhoys ... Respondent

WITH
CIVIL APPLICATION No.1590 OF 2015

IN
FIRST APPEAL No. 506 OF 2015
The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants
Vs.
Smt. Devkabai Narayan Bhoys
and Anr. ... Respondents

WITH
CIVIL APPLICATION No. 1591 OF 2015
IN
FIRST APPEAL No. 507 OF 2015
The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants
Vs.
Shri Kisan Mahadu Bhoys ... Respondent

WITH
CIVIL APPLICATION No. 1592 OF 2015
IN
FIRST APPEAL No. 508 OF 2015
The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants
Vs.
Tukaram Kagho Mahale and Anr. ... Respondents

WITH
CIVIL APPLICATION No.1593 OF 2015
IN
FIRST APPEAL No. 509 OF 2015
The State of Maharashtra
Through The Special Land
Acquisition Officer and Anr. ...Applicants

Vs.

Shri Ramesh Kashiram Bhoys

... Respondent

WITH

CIVIL APPLICATION No. 1594 OF 2015

IN

FIRST APPEAL No. 510 OF 2015

The State of Maharashtra

Through The Special Land

Acquisition Officer and Anr.

...Applicants

Vs.

Shri Rajaram Kalu Bhoys

... Respondent

WITH

CIVIL APPLICATION No. 1595 OF 2015

IN

FIRST APPEAL No. 511 OF 2015

The State of Maharashtra

Through The Special Land

Acquisition Officer and Anr.

...Applicants

Vs.

Shri Tulshiram Mahadu Bhoys

and Ors.

... Respondents

WITH

CIVIL APPLICATION No. 1596 OF 2015

IN

FIRST APPEAL No. 512 OF 2015

The State of Maharashtra

Through The Special Land

Acquisition Officer and Anr.

...Applicants

Vs.

Shri Kashinath Sonu Thigale

and Ors.

... Respondents

Mr. A.R. Patil -AGP for Applicants

None for the Respondents

CORAM: K.K. TATED, J.

DATED : JUNE 26, 2019

P.C. :

1. Heard learned AGP for the Applicant in all these connected civil applications.

2. By this civil application, the Applicants are seeking stay of operation and implementation of the impugned judgment and award passed by the Reference Court holding that the Respondents/Claimants are entitled for additional compensation in respect of the acquired land.

3. Learned AGP Mr.A.R. Patil for the Applicants submits that they have already deposited the entire awarded amount in all these civil applications on 26.6.2014. In support of his contention, he placed on record, the photocopy of the letter dated 21st June, 2018 from the office of the Collector, Nashik. The same is taken on record and marked 'X' for the purpose of identification. Same is accepted.

4. Learned AGP for the Applicants submits that in the interest of justice, pending the hearing and final disposal of the First Appeal, this

Hon'ble Court be pleased to grant stay to the impugned judgment and award. He submits that if the entire awarded amount is withdrawn by the Respondents/Claimants, then nothing will survive in the civil applications.

5. Considering the submissions made by the learned counsel for the Applicants and as the entire awarded amount deposited by the Applicants with interest, I am satisfied that the Applicants have made out a case for allowing these civil applications.

(a) In all civil applications, the operation and implementation of the impugned judgment and award passed by the Reference Court awarding additional compensation in respect of acquired land to the Respondents is stayed, during the pendency and final disposal of the First Appeals.

(b) The Tribunal is directed to invest the entire awarded amount in fixed deposit, initially, for a period of one year and same to be continued till further orders.

(c) Liberty granted to the Respondents/Claimants, if they so desire, to prefer appropriate application for withdrawal of the amount and that application be decided

on its own merits.

(d) Civil Applications are disposed of accordingly.

(e) No order as to costs.

(K. K. TATED, J.)