

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

CIVIL APPLICATION NO. 1300 of 2015
IN
FIRST APPEAL (ST). NO. 7070 OF 2011

The State of Maharashtra & Anr.

...Applicants

Versus

Popat Bhimrao Sate & Anr.

...Respondents

Ms. Tanaya Goswami AGP for the State/Applicant.

...

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CORAM : K.K.TATED, J.
DATED : SEPTEMBER 27, 2019

PC.

1. Heard learned AGP for the Applicant/State.
2. By this Civil application, Applicants are seeking stay of the operation and implementation of the impugned Judgment and Award dated 04th August, 2010 passed by Learned Civil Judge, Senior Division, Barshi District Solapur in L.A.R. No. 178 of 2002 holding that the Respondents/Claimants are entitled for additional compensation in respect of acquired land to the tune of Rs. 82,644/-.
3. The Learned AGP submits that, in the present proceeding the Special Land Acquisition Officer issued a notification under Section 4 of the Land Acquisition Act for acquiring Respondents/Claimants land from village Madha, Tal. Madha, District Solapur for Kolhapuri type weir (Bandhara) of Vadshinge Madha. She

submits that, after following due process of law, the Special Land Acquisition Officer declared award under Section 11 of the said Act and awarded sum of Rs. 83,176/- to the Respondent by way of compensation of acquired land. She submits that, being aggrieved by the said award, Respondent preferred reference under Section 18 of the Land Acquisition Act claiming additional compensation of Rs. 2,53,825/-.

4. Learned AGP submits that, the reference Court without considering the evidence and facts on record, particularly the sale instances held that the Respondents/claimants made out a case for additional compensation.

5. The Learned AGP submits that, they have good chance of success in the present matter. She submits that, if entire amount is recovered by the Respondents/Claimants by filing execution application, then nothing will survive in the present proceeding. She submits that, in the interest of justice pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and Award passed by Tribunal.

6. Considering the submissions made by the Learned AGP for the Applicant and the impugned Judgment and Award passed by the Tribunal, I am satisfied that the Applicant has made out a case for allowing the Civil Application, but at the same time, they have to deposit the entire awarded amount with interest in Tribunal.

7. Hence, the following order:

A) Civil Application is allowed in terms of prayer clause (b) on condonation that the Applicant to deposit the entire amount with interest in reference Court on or before 07th December 2019 failing which Civil Application shall stand dismissed without further reference to the Court. Prayer clause (b) which reads thus:

“b) that this Hon’ble Court be pleased to stay the operation and/or execution and/or implementation of the Judgment and Award dated 04.08.2010 passed by the Learned Civil Judge, Senior Division, Barshi, District Solapur in L.A.R. No. 178 of 2002, till the hearing and final disposal of the abovementioned First Appeal;”

B) If amount is deposited, 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 Respondents/Claimants, if, he so desire, to prefer appropriate application for withdrawal of amount and that to be decided on its own merits.

8. Civil Application stands disposed of accordingly.

9. No order as to costs.

(K.K.TATED, J.)