

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPICATION No. 1946 OF 2019
IN
FIRST APPEAL No. 651 OF 2019

State of Maharashtra
through the Special Land
Acquisition Officer No.2 ..Applicant
Vs.
Smt. Chababai Bhaurao Datir ..Respondent

WITH
CIVIL APPLICATION No. 1734 OF 2019
IN
FIRST APPEAL No. 586 OF 2019

State of Maharashtra
through the Special Land
Acquisition Officer No.2
And Anr. ..Applicants
Vs.
Mr. Namdeo Shivram Tatale and Ors...Respondents

WITH
CIVIL APPLICATION No.1742 OF 2019
IN
FIRST APPEAL No. 590 OF 2019

State of Maharashtra
through the Special Land
Acquisition Officer No.2
and Anr. ..Applicants
Vs.
Mr. Yashwant Dattu Varungase ..Respondent

WITH
CIVIL APPLICATION NO.1743 OF 2019
IN

FIRST APPEAL No. 591 OF 2019

State of Maharashtra
through the Special Land
Acquisition Officer No.2 ..Applicant
Vs.
Mr. Suresh Eknath Avhad ..Respondent

WITH
CIVIL APPLICATION No. 1744 OF 2019
IN

FIRST APPEAL No. 592 OF 2019

State of Maharashtra
through the Special Land
Acquisition Officer No.2
And Anr. ..Applicants
Vs.
Mr.Trambak Pandurang
Avahad and Anr. ..Respondents

WITH
CIVIL APPLICATION No. 1745 OF 2019
IN

FIRST APPEAL No. 593 OF 2019

State of Maharashtra
through the Special Land
Acquisition Officer No.2 ..Applicant
Vs.
Mr.Dattu Bala Varungse
(deceased) through His
Lrs.
1A. Smt. Ambabai Dattu Varungse ..Respondent

WITH
CIVIL APPLICATION No. 1746 OF 2019

IN
FIRST APPEAL No. 594 OF 2019

State of Maharashtra
through the Special Land
Acquisition Officer No.2
and Anr. ..Applicants
Vs.
Mr. Dunda Laxman Tatale and Ors. ..Respondents

WITH
CIVIL APPLICATION No. 1747 OF 2019
IN

FIRST APPEAL No. 595 OF 2019
State of Maharashtra
through the Special Land
Acquisition Officer No.2 ..Applicant
Vs.
Trimbak Barku Bangar ..Respondent

WITH
CIVIL APPLICATION No. 1748 OF 2019
IN

FIRST APPEAL No.596 OF 2019
State of Maharashtra
through the Special Land
Acquisition Officer No.2
And Anr. ..Applicants
Vs.
Mr.Dagadu Chandrya Tatale and Anr...Respondents

WITH
CIVIL APPLICATION No. 1947 OF 2019
IN

FIRST APPEAL No.652 OF 2019
State of Maharashtra
through the Special Land
Acquisition Officer No.2 ..Applicant
Vs.

Mr. Nivaritti Zunga Varungashe
and Ors. ..Respondents

WITH
CIVIL APPLICATION No. 1948 OF 2019
IN
FIRST APPEAL No. 653 OF 2019
State of Maharashtra
through the Special Land
Acquisition Officer No.2 ..Applicant
Vs.
Mrs. Suman Govind Tatale
and Anr. ..Respondents

WITH
CIVIL APPLICATION No. 1949 OF 2019
IN
FIRST APPEAL No. 654 OF 2019
State of Maharashtra
through the Special Land
Acquisition Officer No.2 ..Applicant
Vs.
Mr.Trambak Barku Bangar and Ors. ..Respondents

WITH
CIVIL APPLICATION No. 1950 OF 2019
IN
FIRST APPEAL No. 655 OF 2019
State of Maharashtra
through the Special Land
Acquisition Officer No.2 ..Applicant
Vs.
Mr. Deochand Barku Bangar
and Anr. ..Respondents

WITH
CIVIL APPLICATION No. 1951 OF 2019
IN
FIRST APPEAL No. 656 OF 2019
State of Maharashtra
through the Special Land

Acquisition Officer No.2

And Anr. ..Applicants

Vs.

Mr. Silloo Navin Kambli and Anr. ..Respondents

WITH

CIVIL APPLICATION No. 1952 OF 2019

IN

FIRST APPEAL No. 657 OF 2019

State of Maharashtra

through the Special Land

Acquisition Officer No.2

And Anr. ..Applicants

Vs.

Pandurang Shivram Tatale ..Respondent

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

CORAM: K.K. TATED, J.

DATED : JUNE 26, 2019

P.C. :

1. Heard learned AGP Mr. A.R. Patil for the Appellants.

2. By these civil applications, the Applicants are seeking stay of the operation and implementation of the common judgment and award dated 28th February, 2013 passed by the Civil Judge Senior Division, Nashik in Land Acquisition References holding that the Respondents are entitled to additional compensation in respect of the acquired land.

3. Learned AGP Mr. A.R. Patil for the Applicants submits that Special Land Acquisition Officer issued Notification under Section 4(1) of the Land Acquisition Act on 30th December, 2001 for acquiring Respondents'/ Original Claimants' land from village Belgaon Tarahale, Dist. Nashik for the construction of Ghoti-Sinnar Highway. He submits that after due process of law, the Land Acquisition Officer declared award under Section 11 of the Land Acquisition Act on 16th December, 2002 and determined the land value on the basis of Ready Reckoner.

4. The learned AGP submits that being aggrieved by the said Award, the Respondents/Original Claimant preferred Reference under Section 18 of the Land Acquisition Act. In those references, the Reference Court by its common Judgment and Award dated 28th February, 2013, held that the Claimants are entitled for compensation in respect of acquired land at higher rate. He submits that at the time of deciding the market value of the acquired land, the Reference Court relied on the earlier judgment

at Exhibit 28 and sale deed in respect of Land Gat No. 935 of Village Belgaon Tarahale, Dist. Nashik. He submits that in that sale deed, the transaction took place on 13th February, 1997 in respect of jirait Land, small area having 0.09 H.R. was sold out for consideration of Rs.40,000/- at the rate of Rs.4,44,444/- P.H. He submits judgment in earlier L.A.R. at Ex. 28 is under the challenge. He submits that at the time of passing the Award, on the basis of Exhibit 28, the Reference Court failed to deduct the amount towards the smallness of the acquired land. The learned AGP submits that, they have good chance of success in the present matter. If the entire amount is recovered by the Claimants by filing the execution application, then nothing will survive in the present First Appeals. Hence, in the interest of justice, this Hon'ble Court be pleased to grant stay to the operation and implementation of the impugned common judgment and award dated 28th February, 2013.

4. Considering the submission made by the learned AGP for the Applicants and the impugned common judgment and award, I am satisfied that the Appellants have made out a case for

allowing these civil applications, but at the same time, they have to deposit the entire awarded amount along with interest in the Reference Court.

5. Hence, following order:

(a) The operation and implementation of the common impugned judgment and award dated 28th February, 2013 passed by the Reference Court in all Land Acquisitin References in these civil applications is stayed during the pendency of the First Appeals on a condition that the Applicants to deposit the entire awarded amount with interest in Reference Court on or before 24th September, 2019, failing which all civil applications shall stand dismissed without referring back to the Court.

(b) If the awarded amount is deposited in Reference Court within time as stated hereinabove, the Reference Court is directed to invest the amount in fixed deposit of any Nationalized Bank, initially, for a period of one year and same to be continued till further orders.

(c) Liberty granted to the Respondents / Original Claimants, if they so desire, to prefer appropriate application for withdrawal

of the awarded amount and the same be decided on its own merits.

(d) Civil Applications are disposed of accordingly.

(e) No order as to costs.

(K. K. TATED, J.)