

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3115 OF 2016
IN
FIRST APPEAL (ST) NO.13595 OF 2016

The State of Maharashtra (through
The Special Land Acquisition Officer) .. Applicant
Versus
Shri. Kesrinath Anant Patil
(decd.) Smt. Satyabhama Kesrinath
Patil and Ors. .. Respondents

Mr. A.R. Patil, AGP for applicant.

CORAM: K.K. TATED, J.

DATED : MARCH 19, 2019.

P.C. :

1 Heard learned AGP for applicant.

2. By this Civil Application, applicant is seeking stay of the operation and the implementation of the impugned judgment and award dated 10.09.2015 passed by Reference Court in Land Acquisition Reference No. 860 of 2000.

3. The learned AGP appearing on behalf of applicant submits that in the present proceedings the Special Land Acquisition Officer issued notification under Section 4 of the Land Acquisition Act for acquiring respondent/original claimants land.

He submits that after following due process of law the Special Land Acquisition Officer passed an award dated 23.06.1989 and awarded compensation to the tune of Rs.58,370/-. Being aggrieved by the said award, respondent/original claimant preferred reference under Section 18 of the Land Acquisition Act. He submits that the reference Court has awarded enhanced compensation of land to the respondent of Rs.37,56,630/-.

4. The learned AGP submits that at the time of awarding enhanced compensation the reference Court has not considered the sale instances placed on record. He submits that they have good chance of success in the present matter. He submits that if entire award amount is recovered in the Execution Application nothing will survive in the present proceedings. He submits that in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the judgment and award till the final disposal of the First Appeal.

5. Considering the submissions made by learned Counsel for the applicant and as the Reference Court was awarded additional compensation of Rs.37,56,630/-, I am satisfied that the applicant has made out case for allowing this Civil Application,

but at the same time they have to deposit the entire awarded amount in the Reference Court. Hence, following order :-

a) Operation and implementation of the impugned judgment and award dated 10.09.2015 passed by the Reference Court in Land Acquisition Reference No.860 of 2000 (Old Land Acquisition Reference No.94 of 1991) is stayed during the pendency of the First Appeal, on condition that the applicant to deposit the entire awarded amount along with interest in Reference Court on or before 31.06.2019, failing which Civil Application shall stand dismissed without reference to the Court.

b) If amount is deposited within time, as stated above, the reference Court is directed to invest the entire amount in Fixed Deposit account of any Nationalized bank initially for a period of one year and same to be continued till further orders.

c) If amount is not deposited within time, respondent/original claimants are at liberty to execute the

judgment and award according to law.

d) If amount is deposited within stipulated time, as stated above, liberty granted to the respondent/original claimants, if they so desire, to prefer an appropriate application for withdrawal of amount, which will be decided on its own merits.

e) Civil Application stands disposed of accordingly.

f) No order as to costs.

(K. K. TATED, J.)