

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No.3277/2016

in

First Appeal (ST) No. 14090/2007

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders.

Mrs. Tanaya Goswami, AGP for the
Applicant

CORAM: K.K.TATED, J.
DATED : AUGUST 28, 2019

P.C.

1 Heard. This Application is for stay to the operation and implementation of the judgment and award dated 27.06.2006 passed by the Reference Court Pune in LAR No.155/1992 awarding sum of Rs.33,632/- by way of additional compensation in respect of the acquired land.

2 The learned AGP for the Applicant submits that in the present proceedings the Special Land Acquisition Officer issued Notification u/s.4 of the Land Acquisition Act, 1894 for acquiring the Respondent-Claimant's land for Mula Mutha right Bank Canal. After following due process of law, the the Special Land Acquisition Officer declared award on 08.03.1990 and awarded compensation

of Rs.22,000/- per hector in respect of the acquired land. Being aggrieved by the said award, the Respondent-Claimant filed Reference u/s.18 of the said Act, wherein the Reference Court has awarded the additional compensation.

3 The learned AGP submits that the Reference Court has awarded the additional compensation in respect of the acquired land on higher side and without considering the sale instances on record. She submits that they have good chance of success in the matter. She submits that this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. She submits that if stay is not granted irreparable loss will be caused to them.

4 Considering the submissions made by the learned AGP and the impugned judgment and award I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (a) subject to the Applicant depositing the entire awarded

amount along with interest and costs in the Tribunal on or before 20.07.2019, failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (b) reads thus:

“(b) that this Hon'ble Court be pleased to stay the operation and implementation of the judgment and award Decree passed by the Reference Court in LAR 155 of 1992, till the hearing and final disposal of the above mentioned First Appeal.”

b. The Tribunal is directed to invest the amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)