

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4174 OF 2016
IN
FIRST APPEAL (ST) NO.14122 OF 2007

The State of Maharashtra	.. Applicant
Versus	
Jayawant Narayan Bodke and Anr.	.. Respondents

Ms. Tanaya Goswami, AGP for applicant.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1. Heard learned AGP for applicant.
2. By this civil application, applicant is seeking stay of the operation and implementation of the judgment and award dated 28.06.2006 passed by the Reference Court in Land Acquisition Reference No. 536 of 1991.
3. The learned AGP for applicant submits that in the present proceedings after following the due process of law, the Special Land Acquisition Officer passed an award dated 08.03.1990 and awarded compensation at the rate of Rs.20,000/- per Hectare. Being aggrieved by the said award the

respondent/original claimant preferred reference under Section 16 of the Land Acquisition Act. She submits that the Reference Court awarded 2,23,650/- as an additional compensation. She submits that they have good chance of success in the present proceedings.

4. The learned AGP submits that in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till the hearing and final disposal of the First Appeal. She submits that if stay is not granted, irreparable loss will cause to them.

5. Considering the submissions made by learned AGP for the applicant, averments made in civil application, 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 impugned judgment and award dated 28.06.2006 passed by the Reference Court in Land Acquisition Reference No. 536 of 1991 is stayed till the hearing and final disposal of the First

Appeal, on condition that, the applicant to deposit entire awarded amount including interest in Reference Court on or before 31.07.2019, failing which Civil Application shall stand dismissed without reference to the Court.

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

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

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K. K. TATED, J.)