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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2995 OF 2019
IN
FIRST APPEAL ST.NO.16745 OF 2019

State of Maharashtra through
SLAO, Tal.Uran,Dist.Raigad ...Applicant
vs.
Sunil Ragho Patil & Ors. ...Respondents

Mr.Yogesh Dabke, AGP for the Applicant

CORAM : K.K.TATED, J.
DATE : SEPTEMBER 5, 2019

P.C.:

1 Heard learned Counsel for the Applicant.

2 By this Civil Application, the Applicant is seeking stay of the operation and implementation of the Judgment and Award dated 26th April 2017 passed by 2nd Joint Civil Judge (S.D.), Raigad-Alibag in LAR No.792 of 2009, holding that the Respondents are entitled to a sum of Rs. 4,18,293/- by way of additional compensation in respect of 500 sq meter land from survey No.57/9 Village Kaladhonda, Taluka Uran, District Raigad.

3 The learned AGP for the Applicant submits that, the Reference Court held that respondents are entitled to additional compensation of Rs. 4,18,293/- relying on previous Judgment in LAR No.629 of 2000 only.

4 The learned AGP submits that in the present proceedings the SLAO issued notification under section 4 of the Land Acquisition Act on 24.9.1986 for acquiring the respondent's/original claimant's land from village Kaladhonda, Taluka Uran, District Raigad for New Bombay Project. He submits that after following due process of law, the Special Land Acquisition Officer passed award u/s.11 of the said Act on 22.12.1989 and awarded compensation of Rs.4008/- in respect acquired land. He submits that being aggrieved by the said Award passed by the SLAO, original claimants preferred Reference under the said Act for enhanced compensation @ Rs.1500/- per sq meter on 16th March 1990.

5 The learned AGP submits that the Reference Court erred in coming to the conclusion that, the respondents are entitled to additional compensation in respect of the acquired land to the tune of Rs.4,18,293/-. He submits that the compensation awarded by the Reference Court is on the higher side. He submits that they have good chance of success in the present matter. 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 passed by the Reference Court. He submits that if entire amount is recovered by the Respondents Claimants in Execution Application, then nothing will survives in this First Appeal.

6 Considering the submissions made by the learned

AGP for State and the impugned Judgment and Award, I am satisfied that Applicant has made out a case for allowing this Civil Application.

7 Hence, the following order is passed:

a) Civil Application is allowed in terms of prayer clause (b) on condition that Applicant to deposit the entire awarded amount with interest in the Reference Court on or before 30th November 2019, failing which 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 say the operation and/or execution and/or implementation of the Judgment and Award dated 26.4.2017 passed by the learned 2nd Joint Civil Judge, Senior Division, Raigad-Alibag, in LAR No.792 of 2000 (old LAR No.440 of 1990), till the hearing and final disposal of the above mentioned First Appeal."

b) If the amount is deposited, the Reference Court is directed to invest the amount in fixed deposit of any nationalised 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 they so desire, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED,J.)