

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3243/2019

in

First Appeal (ST) No.17106/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. A. R. Patil, AGP for the Applicant State Mr. Swapnil Mhatre I/b. Shriram S. Kulkarni for the Respondent

CORAM: K.K.TATED, J.

DATED : OCTOBER 14, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 17.06.2017 passed by the Reference Court in LAR No.818/2000 holding that the Respondent-Claimant is entitled to sum of Rs.1,17,07,789/- as additional compensation in respect of the acquired land.

2 The learned AGP 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's land situate at village Kopar, Tq. Panvel, Dist.

Raigad for New Bombay project. He submits that after following due process of law, the Special Land Acquisition Officer issued award dated 08.09.1989 awarding sum of Rs.51,473/- to the Respondent-Claimant by way of compensation. Being aggrieved by the said award, the Respondent-Claimant filed Reference u/s.18 of the said Act and claimed compensation of Rs.5000/- PSM. The Reference Court relying on the earlier judgment held that the claimants are entitled to compensation of Rs.1380/- PSM.

3 The learned AGP submits that they have good chance of success in the matter. He submits that the Reference Court has awarded the compensation on higher side. He submits that if the entire amount is recovered by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings. He submits that pending the hearing and final disposal of the First Appeal this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. He 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 averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application, subject to deposit of the entire awarded amount in the Reference Court.

5 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (b) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 13.12.2019, 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 execution, operation and implementation of the judgment and award dated 17.06.2017 passed by the learned Civil Judge, Senior Division, Alibag in LAR No.818/2000 till the hearing and final disposal of the abovementioned First Appeal.”

b. The Reference Court 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.)