

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1987/2017

in

First Appeal No.615/2017

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

CORAM : K.K.TATED, J.
DATED : JUNE 18, 2019

P.C.

1 Heard. By this Civil Application, the State of Maharashtra is seeking stay to the operation and implementation of the impugned judgment and award dated 10.02.2016 passed by the Jt. Civil Judge, Senior Division, Alibaug at Raigad in LAR No.112/2003 (Old LAR No.106/2003) holding that the Respondent claimants are entitled to additional compensation in respect of the acquired land to the tune of Rs.400/- PSM.

2 The learned AGP submits that the Special Land Acquisition Officer had issued Notification u/s.4 of the Land Acquisition Act, 1894 on 23.12.1999 for acquiring the Respondent - Claimant's land for

resettlement of people from Borgaon affected in Nhavasheva water supply scheme.

3 The learned AGP submits that the Land Acquisition Officer after following due process of law, declared the award u/s.11 of the said Act on 29.09.2001 held that the Respondent - Claimants are entitled to compensation in respect of the acquired land to the tune of Rs.1,60,190/-. He submits that being aggrieved by the said award, the claimant preferred Reference u/s.28-A of the Land Acquisition Act, 1894 and claimed enhanced compensation in respect of the acquired land.

4 The learned AGP submits that while passing the award, the Reference Court has failed to consider the fact that the claimant has failed to produce on record a single document to show that they are entitled to compensation in respect of the acquired land. He submits that if entire amount is recovered by the Respondent-Claimant by filing Execution Application, nothing will survive in the present proceedings. He submits that they have good chance of success in the matter. He 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.

5 Considering the submissions made by the learned AGP and as the Reference Court has awarded additional compensation, 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 30.09.2019, 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/or execution and/or implementation of the judgment and award dated 10.02.2016 passed by the learned Assistant Civil Judge, Senior Division, Alibaug, District Raigad in L.A.R.No.112/2003 (Old LAR No.106/2003) till the hearing and final disposal of the above mentioned First Appeal.”

b. If the amount is deposited within stipulated time as stated hereinabove, the Tribunal is directed to invest the same 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.

(K.K.TATED, J.)