

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2490/2016
IN
FIRST APPEAL (ST)NO.20009/2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

AGP Mr.AR Patil for applicant.

**CORAM : K. K. TATED, J
DATE : JULY 24, 2019.**

P.C.:

Heard learned AGP for applicant.

2. By this civil application, the applicant is seeking stay of operation and implementation of impugned judgment and award dated 17.3.2012 passed by 2nd Joint Civil Judge, Senior Division, Nashik in LAR No.70/2003 holding that Respondents are entitled additional compensation of Rs.24,23,070/- towards acquired land.

3. Learned AGP Mr. A.R. Patil submits that the respondent filed Darkhast No.1/2018

for recovery of entire amount. He submits that the next date in the Excuting Court is 31.7.2019. Hence, there is urgency.

4 Learned AGP Mr. Patil submits that, in the present proceeding the Land Acquisition Officer issued Notification u/s 4 of Land Acquisition Act (hereinafter referred as 'said Act') dated 24.6.1998 for acquiring respondent/claimant's land from village Dudgaon & Khambale, Taluka & District Nashik for the purpose of Minor Irrigation Project. He submits that after following due process of law, the Special Land Acquisition Officer declared Award dated 8.3.2001 u/s 11 of the said Act and awarded compensation in respect of acquired land. Being aggrieved by the said Award, the respondents preferred reference on 10.9.2001 u/s 18 of the said Act and claimed compensation at the rate of Rs. 4,00,000/- per hectare.

5. Learned AGP submits that the Reference Court erred in granting additional

compensation. He submits that they have good chance of success. He submits that if entire amount is recovered by respondent in execution application, nothing will survive in the present proceeding. Hence, he prays that pending the hearing and final disposal of first appeal, this court be pleased to stay operation and implementation of impugned judgment and award.

6. Considering the submissions made by learned AGP and as reference court awarded additional compensaiton of Rs.24,23,070/- towards acquired land, I am satisfied that applicant has made out a case for following order.

a)Civil application allowed in terms of prayer clause (b) which is reproduced below on condition that applicant to deposit the entire awarded amount with interest in Reference Court, on or before 30.9.2019 failing which civil application will stand dismissed without referring back to the

court.

“(b) That this Hon'ble Court be pleased to stay the operation, execution and implementation of Judgment and Award dated 17.3.2012 passed by learned 2nd Joint Civil Judge, Senior Division, Nashik in LAR No.70/2003 till the hearing and final disposal of abovementioned First appeal.”

b) Reference Court is directed to invest the amount in Fixed Deposit account of any Nationalised Bank initially for one year and same to be continued till further orders.

c) Liberty granted to Respondent/claimants to prefer application if they so desire for withdrawal of amount and that will be decided on its own merits.

d) Civil application allowed accordingly.

(K.K.TATED, J.)