

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4221 OF 2014
IN
FIRST APPEAL (ST) NO.31642 OF 2013**

City and Industrial Development
Corporation (Maharashtra) Ltd. Applicant.

Vs.

Smt.Babubai Jaychandra Gharat (Deceased)
Through Legal Heir
Shri.Harishchandra Rajaram Gharat and Ors. Respondents.

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Mr. C.M. Lokesh i/by. Gopalkrishna S.Hegde for the applicant.
Mr. A.R. Patil, AGP for the State.

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CORAM : K.K.TATED, J.
DATED : AUGUST 19, 2019

P.C.

Heard Learned Counsel Mr.C.M.Lokesh for the applicant.

2. By this Civil Application, applicant seeking leave to file the First Appeal challenging Judgment and Award dated 21/01/2011 passed by the Reference Court in Land Acquisition Reference No. 37 of 1996. The Learned Counsel for applicant submits that applicant being acquiring body, they have to bear all the expenses of the acquisition. He submits that the compensation awarded by the Reference Court is

on higher side. Hence, they preferred the present Civil Application for leave to file the First Appeal challenging the impugned award passed by the Reference Court.

3. It is to be noted that in the present proceedings, Special Land Acquisition Officer, issued notification under Section 4 of the Land Acquisition Act, 1894 dated 22/08/1991 for acquiring Respondent original claimant's land from Village Shemtikhar, Taluka Uran for New Bombay project. The land was acquired for the State Government. Therefore, the entire burden of the acquisition goes on State Government. Therefore, there is no question of CIDCO to bear the expenses of acquisition. Special Land Acquisition Officer is already on record on behalf of State of Maharashtra. In view of these facts, applicant is not necessary in the present matter. Hence, there is no question of allowing the present Civil Application. Hence, the following order :

ORDER

- (a) Civil Application stands rejected.
- (b) No order as to costs.

(K.K.TATED, J.)