

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**904 CIVIL APPLICATION NO.8252 OF 2020
IN FIRST APPEAL (ST) NO.8095 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS
DNYANOBA BHAGWAT KOLPUSE**

Mr.S.M. Ganachari, Advocate for the
applicants-acquiring body.
Mr.G.K. Sontakke, Advocate for respondent-
claimant.

**CORAM : V.L.ACHLIYA,J.
DATE : 11.12.2020**

ORAL ORDER :

The applicants have moved this application seeking stay to the execution of award for the reasons set out in detail in the application.

2. Heard learned counsel for the appellant-acquiring body and learned counsel representing the respondent-claimant. Perused the judgment and award passed by the Reference Court.

3. In brief, it is the case of the appellant – acquiring body that the compensation awarded by the Reference Court is excessive and unsustainable in law. It is

submitted that SLAO has determined the price of land acquired @ Rs.34,040/- to Rs.36,000/- per acre, which has been enhanced to Rs.2,01,000/- per acre by the Reference Court. It is submitted that the sale instance of small piece of land has been relied for the purposes of enhancing the compensation. It is submitted that the land acquired is dry crop land. The sale instance in respect of irrigated land has been relied for the purpose of enhancement of compensation. It is further submitted that the interest has been awarded from the date of notification, which is contrary to Full Bench decision of this Court in the case of **State of Maharashtra V/s Kailash Shiva Rangari** reported in 2016(3) **Mh.L.J. 457**. In this background, learned counsel for the appellants submits that the appellants have good case to succeed in appeal.

4. On the other hand, learned counsel for the respondent-claimant supported the award passed by the Reference Court and submits that the appeal filed is devoid of merit. The compensation awarded is based upon due appreciation of evidence adduced in the case.

5. On due consideration of submissions advanced in the light of overall facts of the case and challenge raised in appeals, the following order is passed.

ORDER

(i) The application is allowed in terms of prayer clause "B" subject to deposit of amount to the extent of 80% of amount in terms of award passed by the Reference court within 12 weeks from the date of this order. Failure to deposit the amount within 12 weeks from today, the stay granted stands vacated without further reference to the Court unless time is extended before due date for deposit of amount.

(ii) The application is disposed of in above terms.

**[V.L.ACHLIYA]
JUDGE**

SGA