

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

Civil Application No.119/2020
in
First Appeal (ST) No.21787/2019

State of Maharashtra Applicant

Vs.

Pratap Motiram Velkar & Ors. Respondents

Mr. A. R. Patil, AGP for the Applicant

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : FEBRUARY 5, 2020

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the impugned judgment and award dated 15.01.2018 passed by the Learned Civil Judge, Senior Division, Alibaug in LAR No.60/2016 holding that the Respondent-Claimants are entitled to additional compensation of Rs.2,67,57,682/-.

2 The learned AGP submits that in the present proceeding the Special Land Acquisition Officer had issued Notification u/s.4 of the Land Acquisition Act, 1894 on 24.09.1986 for acquiring the Respondent-Claimants' land from village Bokadvira, Tq. Uran, Dist. Raigad for New Bombay Project. He submits that after following due

process of law, the Special Land Acquisition Officer declared Award on 16.09.1989 and awarded sum of Rs.17,678/- to the claimant by way of compensation.

3 The learned AGP submits that, thereafter the claimants preferred Reference u/s.28-A(3) of the Land Acquisition Act claiming compensation of Rs.2000/- PSM. He submits that the Reference Court, relying on the earlier judgment held that the Respondent-Claimants are entitled to compensation of land @ Rs.1725/- PSM.

4 The learned AGP submits that they have good chance of success in the matter. He submits that if the entire amount is recovered by the Respondent-Claimants by filing Execution Application, nothing will survive in the present proceedings. He submits that this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till hearing and final disposal of the First Appeal.

5 Considering the submissions made by the learned AGP and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the Application. At the same time, the Applicant will have to deposit the entire awarded amount along with interest in the Reference Court within 12 weeks from today.

6 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 Reference Court within 12 weeks from today, 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 15.01.2018 passed by the Learned Civil Judge, Senior Division, Alibag in LAR No.60/2016 till the hearing and final disposal of abovementioned First Appeal.”

b. If the amount is deposited within stipulated time as stated hereinabove, the Reference Court 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.

e. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)