

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1096 OF 2022**

The State of Maharashtra
(through the Special Land
Acquisition Officer)

.....Appellant

Vs.

Leelabai Ambaji Patil and Anr.

.....Respondents

Mr. A.R. Patil, AGP for appellant.
None for respondents.

**CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 25th APRIL 2023**

PC. :

1 Mr. Patil states that appellant has not complied with the directions given in the order dated 27th November 2019. Paragraph 7 of the said order reads as under :

7. Hence, the following order :

(a) The Civil Application is allowed in terms of prayer clause (b), on condition that, the applicant shall deposit entire awarded amount with interest and cost, if any, in Reference Court, on or before 29/02/2020, failing which the Civil Application shall stand dismissed without referring back to the court. Prayer clause (b) reads thus :

“(b) that this Hon’ble Court be pleased to stay the operation, execution and implementation of the Judgment and Award dated 29.07.2017 passed by the Learned Joint Civil Judge, Senior Division, Alibag in L.A.R. No.484 of 2000 (Old L.A.R.No.90/1990), till the hearing and final disposal of the above mentioned First Appeal.”

(c) If the amount is deposited within time, the Reference court is directed to invest the entire amount in Fixed Deposit Account of any Nationalized bank, initially for the period of one year and the same is to be continued till further order.

(d) Liberty is granted to the respondent/claimants, if they so desire, to prefer appropriate application for withdrawal of the amount and that will be decided on its own merit.

(e) The Civil Application stands disposed of accordingly.

(f) No order as to costs.

2 In the circumstances, since it is a self operative order and for almost 3 ½ years this Court's order has not been complied with, the appeal also stands dismissed.

3 The State Government to take appropriate action against the concerned officer for dereliction of duty particularly because the law provides an exorbitant rate of 15% per annum to be paid to the persons whose land has been acquired.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)