



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

**65 CIVIL APPLICATION NO. 8814 OF 2024
IN FAST/11362/2024**

THE EX. ENGINEER L.M.P DIV. LATUR NOW L.M.I.D. LATUR UNDER
GMIDC, AURANGABAD AND ORS

VERSUS

RAJARAM DATTAJI DALVE PATIL

WITH

**CIVIL APPLICATION NO. 8813 OF 2024
IN FAST/11362/2024**

Mr.B.R. Survase, Advocate for the applicants.

Mr.S.J. Sonkawade, Advocate for the sole respondent.

CORAM : KISHORE C. SANT, J.

DATE : 05.12.2024

PC :-

CIVIL APPLICATION FOR DELAY

01. There is delay of 468 days in filing the appeal. For the reasons stated in the application, the application is allowed. The delay is condoned. Office to register the First Appeal.

FIRST APPEAL

01. Issue notice to the respondents, returnable on 06.03.2025. Learned Advocate Mr. Sonkawade waives service of notice for sole respondent.

CIVIL APPLICATION FOR STAY

01. The learned Advocate for the applicant submits that so far as land is concerned, the SLAO has awarded Rs.1800/- per R. The Reference Court enhanced the same to Rs.6600/- per R and same is

within four times of the compensation awarded by the SLAO. He submits that the main ground of challenge is in respect of compensation awarded towards trees. He thus submits that the stay be granted to the impugned judgment and award.

02. The application is vehemently opposed by learned Advocate Mr.Sonkawade. He submits that the enhancement is less than four time so far as land is concerned and in such case the appeal itself should not have been preferred in view of the Government notifications. About trees' compensation, he submits that in companion matter before the Trial Court, the appellant has accepted the award of the Reference Court. He thus submits that the entire amount be directed to be deposited in this Court, in case this Court is inclined to grant stay.

03. After hearing the parties, this Court finds that so far as compensation in respect of land is concerned, it is clearly seen that it is within four times. So far as compensation towards trees is concerned, amount is Rs.19,44,459/-, which prima facie appears to be on higher side. Hence, following order.

ORDER

- (i) The applicant to deposit 100% amount along with interest towards compensation as per award in respect of land.
- (ii) So far as compensation of tree is concerned, the applicant to deposit 50% amount along with interest as per award.

- (iii) The amount be deposited within 12 weeks from today.
- (iv) Subject to above conditions, there shall be stay to the impugned judgment and award.
- (v) The civil application for stay is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]