

310 **03.04.**
2024
Ct. No. 04

ab

FAT 256 of 2021
IA No. CAN 1 of 2022
IA No. CAN 2 of 2022

The State of West Bengal
Vs.
Sri Subhas Chandra Khamari.

Mr. Rajarshi Basu,
Mr. S. T. Mina.

... for the appellant.

Mr. Sudhakar Biswas,
Mr. Sukanta Das.

... for the respondent.

Re: CAN 1 of 2022

Learned Counsel for the appellant does not wish to press the instant application.

The application is, accordingly, disposed of since the appeal has been found by the Stamp Reporter within time.

Re: CAN 2 of 2022

This is an application filed by the State seeking stay of operation of the impugned judgment passed by the learned Additional District Judge, 5th Court, Paschim Medinipur allowing the LA Misc. No. 09 of 2009 arising out of LA Case No. 03/2005-06 under Section 18 of the Land Acquisition Act, 1894.

The Court has found the petitioner/respondent is entitled to get market value of the land at the rate of Rs. 55069/- per decimal along with additional compensation of 12 percent per annum on the market value from 3rd November 2004 to 3rd July 2007. There is a further direction with respect to the solatium at the rate of 30 percent of the above noted amount per decimal, which has been quantified of Rs. 16521/- per decimal. Having regard to the compulsory nature of acquisition, a further amount has been found payable at 12 percent per

annum of Rs. 201/- per decimal from 5th December 1979 to 2nd November 2004 and simple interest on the excess market value of the land plus additional compensation and excess solatium from the date of last publication of the notification under Section 4 of the Land Acquisition Act, 1894 specified to be from 3rd November 2004 at 9 percent for the first year and 15 per cent per annum for the subsequent year till realization; and simple interest at the rate of 8 percent per annum on the enhanced requisition compensation from 5th November 1979 to 2nd November 2004. The amount was directed to be calculated accordingly and the payments to be made within ninety days of the order.

Having heard the respective Counsels for the parties, we are informed that execution proceeding has already been levied being Money Execution Case No. 12 of 2021 before the same Court, being the learned Additional District Judge, 5th Court, Paschim Medinipur.

On consideration of the submissions of the parties, we direct stay of further proceeding in the Execution Case, which shall not proceed, but subject to deposit of the entire amount due as per the impugned judgment noted above, before the Registrar General of this Court on or before the 30th June 2024.

Since we have allowed time for deposit of the amount till 30th June 2024, we direct that till then, i.e. 30th June 2024, there shall be an unconditional stay of the execution proceedings.

The application is disposed of accordingly.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

