

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

FIRST APPEAL NO. 447 OF 2003

The State of Maharashtra
Through Collector, Osmanabad.

....Appellant.
(Ori.Respondent)

Versus

Kisan Kashiram Nikam
Age 45 yrs., Occu. Agril.,
R/o. Deolali, Tq. Kallam,
Dist. Osmanabad.

....Respondent.
(Ori.Claimant)

Miss. R.P. Gour, AGP for appellant.

Mr. K.J. Ghute Patil, advocate for respondent.

CORAM : T.V. NALAWADE, J.
DATED : 8th February, 2016.

JUDGMENT :

1) The appeal is filed by the State Government to challenge the judgment and award of LAR No. 690/1991, which was pending before the Civil Judge, Senior Division, Osmanabad. Both the sides are heard.

2) The State has challenged the decision as the compensation is enhanced by the Reference Court. Today, the learned counsel for original claimant produced copy of the decision given by this Court (other Hon'ble Judge) in First Appeal No. 505/1996 dated 29.2.2012. It appears that in that matter,

rate of Rs. 36,000/- per Acre was given by the Reference Court and this Court held that the rate has justification and the appeal filed by the State Government is dismissed. In the present matter, rate given is Rs. 25,000/- per Acre. As the matter has arisen out of the same award and the lands acquired in both the cases were for the same project, same rate could have been given to the land involved in the present matter also. This Court holds that it is not possible to interfere in the decision given by the Reference Court.

3) In the result, the appeal stands dismissed.

[T.V. NALAWADE, J.]

ssc/