

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

FIRST APPEAL NO.769 OF 2002

The State of Maharashtra

.. APPELLANT
(Ori. Respondent)

Versus

Babasaheb Haribhau Bade
Age : Major, Occu : Agri,
All r/o Wadgaon/Chinchpur Pangul,
Tal. Pathardi, Dist. Ahmednagar

.. RESPONDENT
(Ori. Claimant)

...

AGP for Appellant/State : Shri. C.V. Dharurkar

...

**CORAM : P.R. BORA, J.
Dated: July 27, 2017**

ORAL JUDGMENT :

1. The present appeal is filed against the Judgment and Award passed by the Court of IInd Jt. Civil Judge, Senior Division at Ahmednagar in L.A.R. No.31/1986 decided on 23.11.1990. The respondent though has been duly served, has not entered his appearance in the matter.

2. In the present matter, as it is revealing from the record that, notification under Section 4 of the Land Acquisition Act (hereinafter referred to as the 'Act') was issued on 28.05.1981. The Award under Section 11 of the Act came to be passed on 08.03.1985 and the Reference Court decided the reference application on 23.11.1990. The enhanced compensation by the Reference Court is Rs.61,818/-. No information is available on record to show whether the award so

passed has been executed or otherwise.

3. Having regard to the fact that, the acquisition is of the year – 1981 and the amount of enhanced compensation is not a huge amount, there appears no propriety in considering the objections so raised in the appeal as about determination of the market value after the period of about 27 years. Even otherwise perusal of the impugned Judgment reveals that, the amount of compensation as awarded by the Tribunal is based on some earlier decision by the said Court in LAR No.105/86. No such information is placed on record to show that, the decision in the said land acquisition reference was challenged by the acquiring body or by the State before the High Court and whether the said Judgment has been reversed and the amount of the compensation as awarded by the Tribunal has been modified. For all these reasons, it does not appear to me that, any interference is required in the present matter. No stay seems to have been granted by the Court for execution of the award passed in the present matter. There is every reason to believe that, the award passed by the Reference Court on 23.11.1990 i.e. prior to about 27 years must have been fully executed. I am, therefore, not inclined to cause any interference in the Judgment and Award impugned in the present appeal.

4. The appeal stands dismissed, however without any order as to the costs.

(P.R. BORA, J.)

ggp