

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**FIRST APPEAL NOS.442/2004, 443/2004,
444/2004, 446/2004 & 447/2004**

The State of Maharashtra.

...Appellant..

Versus

Chinda Krishna Mang & others.

...Respondents...

Shri B.V. Virdhe, Advocate for appellant.

CORAM: M.S. SONAK, J.

DATE: 12.02.2018

ORDER :

1] These appeals are of the year 2004 challenging the judgments and awards made by the Reference Court enhancing the compensation to rates ranging between Rs.30,000/- to Rs.60,000/- per Hectare as against the rates of Rs.9,000/- to Rs.18,000/- per Hectare awarded by the Land Acquisition Officer.

2] *Prima facie*, enhancement in each of these appeals is within the limit specified in the Government resolution dated 3.11.2016, as amended from time to time, which records the policy decision of the State Government that the State Government and acquiring bodies will not institute or pursue appeals in which enhanced compensation is less than four times the ready reckoner

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rate prevalent on the date of issue of Section 4 notification.

3] That apart, in these appeals, the Registry endorsements indicate that the sole respondents have long ago expired and that is the reason why no service could ever be effected upon such sole respondents. Despite the fact that these appeals are of the year 2004, till date, no steps have been taken to bring on record the L.Rs. of the deceased sole respondents. Clearly, therefore, the appeals abate as against the L.Rs. of the deceased sole respondents.

4] On the aforesaid ground itself, these appeals are dismissed. This shall not preclude the appellant from taking out appropriate applications for setting aside abatement, no doubt after explaining delay. Such applications, if taken out, be considered on their own merits and in accordance with law. However, it is not possible to keep these matters pending and rather appropriate course would be to dismiss these appeals as having abated.

(M.S. SONAK, J.)