

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

FIRST APPEAL NO.376 OF 2004

The State of Maharashtra
Through the Collector,
Osmanabad

= **APPELLANT**
(Orig. Respondent)

VERSUS

Hari Vrashiket Patil
Age: 34 Yrs., occu. Agril.
R/o Nagur, Tq. Omerga,
Dist. Osmanabad.

= **RESPONDENT**
(Orig.Claimant)

Mr.AM Phule, AGP for Appellant;

CORAM : P.R.BORA, J.
DATE : 28th January, 2019

ORAL JUDGMENT

1. The State has preferred the present appeal against the judgment and order dated 31.1.2012 passed by Joint Civil Judge, Senior Division, Osmanabad in LAR No.33/1990. The land which was the subject matter of the said LAR was acquired for submergence of Lower Terna Medium Project of village Makhani. The Special Land Acquisition Officer had offered the compensation @ Rs.14,000/- per hectare, i.e. Rs.140/- per Are and separate compensation of Rs.11,190/- was awarded for well in the acquired land. The Reference Court has enhanced the said amount of compensation by

determining the market value of the acquired land @ Rs. 400/- per Are and has enhanced the market value of the acquired well to Rs.27,850/-. The total amount of compensation, as was enhanced by the Reference Court, comes to Rs.59,629/-.

2. Though no one has appeared for the respondent claimant in the present matter, after having gone through the judgment delivered by the Reference Court, I do not find any apparent error in the said judgment. I am not inclined to cause interference in the said judgment. Even otherwise, in view of the policy now adopted by the Government, vide Government Resolution dated 3rd November, 2016 read with corrigendum dated 23rd February, 2017, the Government is not prosecuting the appeals further wherein the compensation enhanced by the Reference Court is less than four times of the market value offered by the S.L.A.O.. The present matter fits in the said category. Even the compensation of the well has been enhanced in the said limit. In the circumstances, I do not see any reason for causing interference in the impugned Judgment and Award. Hence, the following order, -

ORDER

i. The appeal is dismissed, however, without any order as to costs. Pending civil application if any stands disposed of.

ii. The amount of compensation, if any, deposited by the Government in the present appeal, shall be remitted in favour of the respondent original claimant along with the interest accrued thereon.

(P.R.BORA)
JUDGE

bdv/