



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

215 FIRST APPEAL NO. 1426 OF 2009

**EXECUTIVE ENGINEER, LOWER TERNA PROJECT OMERGA
OSMANABAD**

VERSUS

VITHAL DASHRATH BIRAJDAR AND ANR

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Advocate for Appellant : Ms. Madhubala Gangwal

Advocate for Respondent No.1 : Mr. S. S. Manale

AGP for Respondent/State: Ms. P. R. Bharaswadkar

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WITH

FIRST APPEAL NO. 1433 OF 2009

WITH

FIRST APPEAL NO. 1431 OF 2009

WITH

FIRST APPEAL NO. 1432 OF 2009

WITH

FIRST APPEAL NO. 1436 OF 2009

WITH

FIRST APPEAL NO. 1430 OF 2009

WITH

FIRST APPEAL NO. 1427 OF 2009

WITH

FIRST APPEAL NO. 1429 OF 2009

WITH

FIRST APPEAL NO. 1428 OF 2009

WITH

FIRST APPEAL NO. 1435 OF 2009**WITH
FIRST APPEAL NO. 1434 OF 2009**

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CORAM : ARUN R. PEDNEKER, J.**DATE : 06th MARCH, 2024****PER COURT:**

1. Heard.
2. The present first appeals are filed by the acquiring body. In the instant case the SLAO has awarded compensation at the rate of Rs.385/- per Are and in some cases Rs.475/- per Are. The reference court has enhanced the compensation to Rs.1185/- per Are. The same being within 4 times and the lands are also from the rural areas, the Government Resolutions dated 03.11.2016 and 23.02.2017 would be applicable to the instant case.
3. Ms. Madhubala Gangwal, learned counsel appearing for the acquiring body submits that the said notification would be applicable to the instant case.
4. In the aforesaid Government Resolutions, the State has taken a policy decision of not to challenge the award where the increase in

compensation is not more than two times in the urban areas and not more than four times in the rural areas.

5. In the instant case, the acquired land is from the rural areas and the compensation enhanced by the reference court is not more than 4 times. As such, the learned counsel for the appellants submits that as the enhancement is not more than four times, the matters would be covered by the aforesaid Government Resolutions. She submits that the aforesaid Government Resolutions are also made applicable to the pending cases.

6. In view of the same, all the first appeals are dismissed by applying the aforesaid Government Resolutions.

[ARUN R. PEDNEKER, J.]

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