

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 603 OF 2003
WITH
CIVIL APPLICATION NO. 1441 OF 2004
IN
FIRST APPEAL NO. 603 OF 2003**

The State Of Maharashtra ... Appellant/Applicant

Vs.

Bhagwan Yashwant Kadam ... Respondent

**WITH
CIVIL APPLICATION NO. 3172 OF 2013
IN
FIRST APPEAL NO. 603 OF 2003**

Maharashtra Krishna Valley Development Corporation ... Appellant/Applicant

Vs.

State Of Maharashtra Through Speical Land Acquisition Officer No. 1o, Pune. ... Respondent

**WITH
FIRST APPEAL NO. 608 OF 2003
WITH
CIVIL APPLICATION NO. 1446 OF 2004
IN
FIRST APPEAL NO. 608 OF 2003**

The State Of Maharashtra ... Appellant/Applicant

Vs.

Ushatai Sharadkumar Gandhi And Anr. ... Respondents

WITH
FIRST APPEAL NO. 607 OF 2003
WITH
CIVIL APPLICATION NO. 1445 OF 2004
IN
FIRST APPEAL NO. 607 OF 2003

The State Of Maharashtra Thr. Special Land Acquisition Officer. ... Appellant/Applicant

Vs.

Babu Maruti Wabale (Deceased) Thr. Lrs. And Ors. ... Respondents

WITH
CIVIL APPLICATION NO. 3178 OF 2013
IN
FIRST APPEAL NO. 607 OF 2003

Maharashtra Krishna Valley Development Corporation ... Appellant/Applicant

Vs.

State Of Maharashtra Through Speical Land Acquisition Officer No. 10, Pune. ... Respondent

WITH
FIRST APPEAL NO. 606 OF 2003
WITH
CIVIL APPLICATION NO. 1444 OF 2004
IN
FIRST APPEAL NO. 606 OF 2003

The State Of Maharashtra ... Appellant/Applicant

Vs.

Tukaram Sopana Mahanwar ... Respondents

**WITH
CIVIL APPLICATION NO. 3177 OF 2013
IN
FIRST APPEAL NO. 606 OF 2003**

Maharashtra Krishna Valley Development Corporation ... Appellant/Applicant

Vs.

State Of Maharashtra Through Speical Land Acquisition Officer No. 10, Pune. ... Respondent

**WITH
FIRST APPEAL NO. 605 OF 2003
WITH
CIVIL APPLICATION NO. 1443 OF 2004
IN
FIRST APPEAL NO. 605 OF 2003**

The State Of Maharashtra ... Appellant/Applicant

Vs.

Premchand Lalchand Metha (DECD.) ... Respondent

**WITH
CIVIL APPLICATION NO. 3176 OF 2013
IN
FIRST APPEAL NO. 605 OF 2003**

Maharashtra Krishna Valley Development Corporation & Ors. ... Appellants/Applicants

Vs.

State Of Maharashtra Through Speical Land Acquisition Officer No. 10, Pune. ... Respondent

**WITH
FIRST APPEAL NO. 604 OF 2003**

The State Of Maharashtra

... Appellant/Applicant

Vs.

Ratnamala Hanumantrao Wabale

... Respondent

Mr. A. R. Patil, AGP for the State.

CORAM : KISHORE C. SANT, J.

DATE : 18th March, 2024

P.C.:-

1. These Appeals are arising out of the same Notification of acquisition for the same project and therefore all the appeals are taken together. All these lands came to be acquired pursuant to Notification under Section 4 came to be issued by the learned SLAO, dated 03.10.1985. The lands are acquired for New Mula Mutha Right Bank Canal. All these lands are from village Shetfal-Gadhe, Tal-Indapur, Dist. Pune. The SLAO awarded the amount the Applicants being aggrieved filed land acquisition References as per the chart given in foregoing paragraph.

2. The learned Reference Court by a Judgment and award dated 16.12.2000, allow the References and awarded the rate by enhancing the amount as per the chart. The following is the chart showing the area of the land acquired, Gut No, amount awarded by the SLAO and amount enhanced by the Trial Court.

Sr. No.	First Appeals No.	L.A.R. Nos.	Area	Land	Amounts awarded by SLAO	Amounts awarded by Trial Court
1.	603/2003	185/1990	42 R	Gat No. 391/Part	Rs. 3,150/-	Rs. 12,600/- @ Rs. 30,000/- PH
2.	604/2003	187/1990	31 R	Gat No. 391/Part	Rs. 6,825/-	Rs. 18,200/- @ Rs. 20,000/- PH
3.	605/2003	186/1990	1 H 10 R	Gat No. 40/Part	Rs. 8,250/-	Rs. 22,000/- @ Rs. 20,000/- PH
4.	606/2003	188/1990	1 H 6 R	Gat No. 39/Part	Rs. 7,950/-	Rs. 31,800/- @ Rs. 30,000/- PH
5.	607/2003	189/1990	97 R	Gat No. 389/Part	Rs. 6,925/-	Rs. 18,600/- @ Rs. 20,000/- PH
6.	608/2003	190/1990	73 R	Gat No. 596/Part	Rs. 9,750/-	Rs. 15,600/- @ Rs. 20,000/- PH

3. The State Government preferred the Appeals being aggrieved by the impugned Judgment and Award. By GR dated 3rd November, 2016, bearing No. Sankirn-2014/PK.41/part- 1/A-4 the government decided not to file Appeals where the amount of compensation is enhanced for less than 4 times. By GR dated 11th May, 2018 corrigendum came to be issued with some modifications. It is also stated that where Appeals are already preferred, such appeals be placed before Lok Adalat for compromise. It is thus clear that the Government has taken a policy decision not to prosecute such appeals.

4. This Court finds that in all these appeals the compensation enhanced is less than 4 times of the amount awarded by the SLAO, only in First Appeal No. 606 of 2003, the amount enhanced is exact 4 times of the amount awarded by the SLAO.

5. In view of the above position, the learned AGP, seeks withdrawal of the appeals. Leave granted. The Appellant shall be entitled to refund of a Court fee as per the rules. The amount, if deposited in this Court it shall be paid to the Respondents/Claimants alongwith interest, if any, accrued them. If the amount is deposited in the Reference Court, the Reference Court is directed to pay the amount to the Respondents/Claimants along with interest, if any, accrued thereon.

6. All above First Appeals stand disposed of. No Order as to costs.

7. Pending Applications, if any, stand disposed of in view of the disposal of the Appeals.

(KISHORE C. SANT, J.)