

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

FIRST APPEAL NO.408 OF 2003

The State of Maharashtra ..Appellant
Versus
Kacharu S. Gangode ..Respondent

**WITH
FIRST APPEAL NO.409 OF 2003**

The State of Maharashtra ..Appellant
Versus
Bhalchandra Vasantrao Wagh & Ors. ..Respondents

Mr. A. R. Patil, AGP for the Appellant/State.
Ms. Prerana B. i/by Smita Gaidhani, for the Respondents.

CORAM : KISHORE C. SANT, J.

DATE : 11th MARCH, 2024

PC.

1. First Appeal No.408 of 2003 arises out of judgment and order dated 24/04/2001 passed by the Joint District Judge, Nashik in LAR No.126 of 1995. The learned SLAO had acquired the land by giving rate of Rs.41,400/- per hector. Learned Reference Court enhanced the rate to Rs.69,600/- per hector.

First Appeal No.409 of 2003 is arising out of judgment and award dated 21.06.2002 passed by the Joint District Judge, Nashik in LAR No.182 of 1993. Learned SLAO had acquired the land

by giving rate of Rs.70/- per sq.mts. Learned Reference Court enhanced the rate to Rs.95/- per sq.mtrs.

2. Considering that the amount of enhancement is less than 4 times of the rate granted by the SLAO, in view of the GR dated 3rd November, 2016 and 11th May, 2018, it is submitted that the Appeal can be disposed of.

3. 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 by less than 4 times. By GR dated 11th May, 2018 corrigendum also came to be issued with 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 the present case is covered by both the GRs. In view of the policy of the government, both Appeals stand disposed of without any interference. The impugned judgment and award is hereby confirmed.

5. Interim Application, if any, stands disposed of.

[KISHORE C. SANT, J.]