

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

**CIVIL APPLICATION NO.2946 OF 2018
IN
FIRST APPEAL STAMP NO.10891 OF 2017**

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The State of Maharashtra & Anr. ..Applicants
Versus
Shri. Parashram Shivram Tarware ..Respondent

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

CORAM : KISHORE C. SANT, J.

DATE : 3rd APRIL, 2024

PC.

1. The First Appeal was wrongly dismissed for want of payment of Court fees. Learned AGP points out that in fact the Court fee was paid and same was not brought to the notice of this Court when the conditional order was passed.

2. The First Appeal stands restored to its original position.

3. This Appeal is arising out of the land acquisition proceedings. SLAO had granted compensation of Rs.45,909/-. Learned Reference Court enhanced the amount to Rs.92,305/-. Learned AGP submits that in view of GRs dated 3rd November, 2016 and 11th May, 2018, the Appeal can be disposed of since the amount

of enhancement is less than four times of the amount granted by the SLAO. He further seeks leave to withdraw the Appeal.

4. 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.

5. Leave granted. The Appeal stands disposed of as withdrawn.

6. Since the Appeal is disposed of as withdrawn, nothing survives in the Civil Application. The Civil Application stands disposed of.

7. The Court fees shall be refunded as per rules. Photocopy of the receipt produced is taken on record.

[KISHORE C. SANT, J.]