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91-CA-4631-2012

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

91 CIVIL APPLICATION NO. 4631 OF 2012
IN FAST/7001/2012

The State Of Maharashtra
VERSUS
Babu Gurappa Mulkire And Ors.
WITH
CIVIL APPLICATION NO. 4632 OF 2012
IN FAST/7001/2012

...

Mr. R. B. Dhaware, AGP for Applicant-State.

CORAM : KISHORE C. SANT, J.

DATE : 2nd SEPTEMBER 2025.

PC :-

1. This matter is placed in order category as the report of service of notice is still not received. The appeal is pending since 2012. Considering that the appeal is of 2012, this court has requested learned AGP to assist the Court to see whether appeal can be disposed of at this stage.

2. In the present case, the land of the respondent-claimant came to

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be acquired for percolation tank of village Dawanhipparga, Taluka, Udgir Dist. Latur. The notification under Section 4 of the Land Acquisition Act was issued on 6th May 1993. Award came to be passed on 29th October 1996. The learned SLAO granted compensation at the rate of Rs.240 per R. The reference Court by impugned judgment and order dated 25th September 2008, enhanced the amount and granted compensation at the rate of Rs.1,000/- per R. It is thus the State has come to this Court.

3. This Court finds that the amount is just four times of the amount awarded by the learned SLAO. The amount of four times would come to Rs.960/- whereas it is enhanced to Rs.1,000/-. The appeal is thus not covered by Government Resolution Dated 3rd November 2016 and Corrigendum dated 23rd February 2017. It is the policy decision of the Government, not to file appeals where the amount of compensation is enhanced less than four times of the award passed by the learned SLAO. This court has, therefore, seen the matter on the merits. From the judgment, it appears that the learned reference court has considered this

instance produced before the Court. In the said instance in respect of land from the same village, the consideration is of Rs.1 lakh per hecter i.e. 2,500/- per R. By considering the evidence on record, the learned trial Judge has enhanced the amount. The learned reference Court also considered the judgments in the cases of *Chimanlal Hargovinddas Vs. Special Land Acquisition Officer, Poona and anr.*¹, *Land Acquisition officer and Mandal Revenue Officer Vs. V Narasiah*² and *Gokal Vs. State of Harayana*³.

4. This Court does not find any illegality or perversity in the impugned judgment and award. This court finds that keeping the application and appeal pending is not desirable and is not in the interest of any of the parties. Since this Court does not find any merit in the appeal, this court is disposing off the appeal and application. The civil application for condonation of delay stands allowed. The first appeal stands dismissed.

1 AIR 1988 SC 1652

2 AIR 2001 SC 1117

3 AIR 1992 SC 150

5. Pending civil applications, if any, stands disposed off in view of disposal of the first appeal.

[KISHORE C. SANT, J.]