



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

933 FIRST APPEAL NO. 457 OF 2004

State Of Maharashtra

VERSUS

Daulat Ramji Patil

...

Mr. D. J. Patil, AGP for Appellant

Mr. Umesh Mitkari h/for Mr. Mukul Kulkarni, Advocate for
Respondent

...

CORAM : SANJAY A. DESHMUKH, J.

DATE : 25.11.2025

ORAL JUDGMENT :-

1. Heard learned advocate for both sides.
2. This First Appeal is preferred by the State against the impugned judgment and award dated 12.03.2002 passed by the learned C.J.S.D., Amalner, District Jalgaon in L.A.R. No.79 of 1992, whereby compensation at the rate of Rs.28,900/- per hector was awarded for the Jirayat land.
3. Learned AGP for the State submitted that the impugned judgment and award is unsustainable in the eyes of law. The learned Reference Court wrongly awarded the enhanced compensation at the rate of Rs.28,900/- per hector for Jirayat land which is too excessive. He further submitted that the learned

Reference Court did not properly appreciate the evidence on record and that the compensation was not correctly determined on the basis of the evidence. It is lastly prayed to allow the appeal.

4. Learned advocate for the respondent submitted that the learned Reference Court has awarded a reasonable amount of compensation and that there is no ground to interfere with the impugned judgment. He further submitted that in view of the policy decision of the State Government as per the Government Resolution dated 03.11.2016 and the corrigendum dated 23.02.2017 issued thereto, the State Government has resolved not to file or contest any appeal where the amount of compensation awarded by the Reference Court is within four times. He submitted that the first appeal filed by the State Government deserves to be disposed of in view of the aforesaid policy decision.

5. Perused the impugned judgment. After considering the reasons in the impugned judgment and the grounds raised in the appeal by the State, it is clear that the claimants have been properly compensated by the learned Reference Court by granting a reasonable enhancement. The enhanced amount does not exceed four times the

original compensation, as permitted under the policy of the State Government in the Government Resolution dated 03.11.2016 and the corrigendum dated 23.02.2017. The State Government's contention that the learned Reference Court exorbitantly enhanced the amount of compensation without proper consideration is therefore not acceptable. In view of the policy decision of the State Government, the appeal is not sustainable as the enhanced amount of compensation is within four times the original compensation. Hence, the appeal deserves to be disposed of in light of the Government Resolution dated 03.11.2016. The First Appeal is disposed of accordingly. No order as to costs.

[SANJAY A. DESHMUKH, J.]

HRJadhav