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28-CA-11954-2012

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 CIVIL APPLICATION NO. 11954 OF 2012
IN FAST/10013/2012

The State Of Maharashtra And Anr.

VERSUS

Govind Sambhaji Padampalle

WITH

CIVIL APPLICATION NO. 11955 OF 2012
IN FAST/10013/2012

...

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

CORAM : KISHORE C. SANT, J.

DATE : 29th JULY 2025.

PC :-

1. This application is filed for condonation of delay of 1353 days caused in filing the First Appeal challenging the judgment and award dated 22nd April 2008, passed by the learned Joint Civil Judge Senior Division at Ahmedpur Dist. Latur in LAR No. 501 of 2002.
2. In spite of service, None for the Respondent.
3. Respondent No.1 is reported to be dead. No steps are taken. Application stands abated as against Respondent No.1.

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4. Heard learned AGP for Applicant-State.

5. For the reasons stated in the application, application is allowed.

Delay stands condoned. Office to register First Appeal.

FIRST APPEAL

6. This appeal arises out of judgment and award dated 22nd April 2008, passed by the learned Joint Civil Judge Senior Division at Ahmedpur Dist. Latur in LAR No. 501 of 2002. By way of said judgment and award, the learned CJSD has enhanced the amount of compensation for acquired open plots. The appeal is, therefore, filed by the State.

7. Heard learned AGP for State for some time.

8. The Government of Maharashtra issued notification under Section 4 of the Land Acquisition Act on 9th February 1999. The open plots came to be acquired for the purpose of Urdhva Manar Project. The learned SLAO awarded a rate of Rs.60 per sq. meter. The learned Reference Court enhanced the said amount @ Rs.180 per sq. meter.

9. Considering that now the Government has framed policy of not preferring appeals in cases where the amount of compensation is

enhanced to less than four times of the amount awarded by the learned SLAO, and in the cases, where the appeals are filed and same are to be withdrawn. The said policy decision appear in the notification dated 3rd November 2016 and Corrigendum dated 23rd February 2017.

10. Considering above, this Court finds that keeping the appeal pending would not serve any purpose. The appeal, therefore, stands disposed off, in view of the said notifications. No order as to costs.

11. In view of dismissal of first appeal, pending applications, if any, do not survive and same stand disposed off.

[KISHORE C. SANT, J.]