



(1)

52-CA-5304-2012

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

52 CIVIL APPLICATION NO. 5304 OF 2012
IN FAST/10567/2012

The State Of Maharashtra And Anr

VERSUS

Bhausahab Bapurao Kadam

WITH

CIVIL APPLICATION NO. 5303 OF 2012
IN FAST/10567/2012

Mr. R. B. Dhaware, AGP for Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 4th JULY 2025.

PC :-

CA/5303/2012

1. Heard.
2. A challenge is sought to be raised to the judgment and award passed by the learned 4th Joint Civil Judge, Senior Division, Latur in LAR No.1056/1992 whereby the amount of compensation is enhanced by order dated 11th August 2009. The learned Reference Court by way of said judgment and award increased the rate of compensation to Rs.400

per R.

3. For the reasons stated in the application, application stands allowed. Delay stands condoned.

FIRST APPEAL (ST) No. 10567/2012

4. This appeal is filed challenging the judgment and award passed by the learned Reference Court i.e. 4th Joint Civil Judge, Senior Division, Latur in LAR No.1056/1992.

5. The facts are that the land of the respondent-claimant came to be acquired from village Malvathi Taluka and District Latur for percolation tank. The land was acquired admeasuring 1H 20R from his Gut No.169. The learned SLAO passed notification under Section 4 of the Act on 26th May 1988. Award was passed on 10th October 1991. The learned SLAO awarded the compensation @ of Rs. 230 per R. The learned Reference Court on recording the evidence, enhanced the compensation by awarding the same @ of Rs. 400 per R.

6. Now the Government has come out with a policy by way of G.R dated 3rd November 2016 and corrigendum dated 23rd February 2017. A decision is now taken that when the amount of compensation is

enhanced by less than four times of the award by the SLAO, no appeal be preferred. In cases where appeals are preferred, the same be withdrawn. Even otherwise, this Court does not find that case is made out on merit. This Court is, therefore, not inclined to interfere with the judgment and award. First appeal stands dismissed. No order as to costs.

7. In view of disposal of the First Appeal, pending civil applications do not survive and same also stand disposed off.

[KISHORE C. SANT, J.]