

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

941 FIRST APPEAL NO. 1990 OF 2017

The State Of Maharashtra And Anr

VERSUS

Vitthal Sadashiv Gaikwad And Anr

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Mr. R. B. Dhaware – AGP for Appellant/State

Mr. L. S. Shaikh h/f Mr. Vitthal B. Wayal – Advocate for Respondent
Nos. 1 and 2

...

CORAM : NEERAJ P. DHOTE, J.

DATED : 25TH MARCH 2025

PER COURT : -

1. Learned AGP appears for the Appellant/State. Mr. L. S. Shaikh holding for Mr. Vitthal B. Wayal for Respondent Nos. 1 and 2 is present.

2. It is submitted by the learned AGP appearing for the Appellant/State that, this Appeal is filed by the State against the Judgment and Award dated 22.01.2015, passed by the learned 5th Joint Civil Judge, Senior Division, Aurangabad, Dist. Aurangabad in Land Acquisition Reference No. 225 of 2007. He further submits that this Appeal can be disposed off in view of the Government Resolution (in short, 'G.R.') dtd. 03.11.2016 and Corrigendum dtd. 23.02.2017. The learned AGP submits that, the Appeal can be disposed off in light of the order dated 30.09.2024 passed in First Appeal No. 1146 of 2017 and the order dated 19.02.2025 passed in First Appeal No. 860 of 2017.

3. The GR dated 03.11.2016 and Corrigendum to the said GR dated 23.02.2017, provides that no Appeal shall be filed by the State or its instrumentalities if the Award passed by the learned Reference Court is within four (4) times than the compensation granted by the Land Acquisition Officer.
4. Perused the said Government Resolutions.
5. The contention of the learned AGP is supported by the said Government Resolutions. As the Award passed by the learned Reference Court is within the ambit of four (4) times than the compensation granted by the Special Land Acquisition Officer, the Appeal ought not to have been filed.
6. In the facts and circumstances of the case, **the Appeal stands disposed off** in light of the said GRs dated 03.11.2016 and Corrigendum to the said Government Resolution dated 23.02.2017.
7. The Record & Proceedings be sent back to the learned Reference Court.
8. Pending Civil Application, if any, stands disposed off.

[NEERAJ P. DHOTE]
JUDGE