



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 12599 OF 2011
IN FAST/22025/2011

The State Of Maharashtra And Anr.

VERSUS

Mahadeo Baburao Pawar

WITH

CIVIL APPLICATION NO. 12597 OF 2011
IN FAST/22003/2011

WITH

CIVIL APPLICATION NO. 12598 OF 2011
IN FAST/22003/2011

WITH

CIVIL APPLICATION NO. 12600 OF 2011
IN FAST/22025/2011

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

CORAM : KISHORE C. SANT, J.

DATE : 27th JUNE 2025

PC :-

1. Heard the learned AGP for Applicant-State.
2. These civil applications are filed seeking condonation of delay of 225 days caused in filing the appeals challenging the impugned judgment and award passed by the learned Reference Court in respective

appeals/applications. The delay is stated to be due to administrative reasons, as the Government needs to obtain sanction from the concerned authority. This Court has also seen the merits. In the appeal, it is seen that the amount is enhanced by the learned Reference Court in the references. The learned SLAO had awarded compensation @ Rs.40 sq. meter. The learned Reference Court increased the said amount and awarded the compensation @ 55 per sq. meter. The Government of Maharashtra has already issued a policy by way of notifications dated 3rd November 2016 and corrigendum dated 23rd February 2017 stating that if the enhancement is below four time of the amount awarded by the SLAO, no appeals are to be filed in such cases and if appeals have been filed, the same be withdrawn.

3. Considering above position, this Court finds that present applications can be allowed as the Court is immediately taking up the first appeals in view of this Government Resolution.

4. The delay condonation applications stand allowed. Office to register first appeals.

IN FIRST APPEALS

5. The learned AGP pointed out that that the amount of compensation is enhanced exorbitantly by the learned Reference Court, despite there being no material to support this enhancement. The learned SLAO had already considered the sale instances and the market rate. Thus, there was no reason to call for interference in the said awards passed by the learned SLAO. He thus submits that the impugned judgments need to be quashed and set aside.

6. In the present case, the judgment and order dated 1st October 2010 in LAR No.852/2002 and other connected matters. In the year 2016, the State of Maharashtra has come out with the policy by way of Government Resolution dated 3rd November 2016 and corrigendum dated 23rd February 2017. It is decided not to file appeals in the cases where the amount of enhancement is less than four times of the amount granted by the learned SLAO. This policy is squarely applicable in the present case. As it is, there is no error notice by this Court in the judgments. Even otherwise, in view of Government Policy, this Court

finds that first appeals deserve to be dismissed.

7. Considering above, the first appeals stand dismissed with no order as to costs.

8. Appeals stand disposed off.

9. Pending Civil applications if any, also stands disposed off.

[KISHORE C. SANT, J.]