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931-CA-14895-2010

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO. 14895 OF 2010
IN FAST/24956/2010

The State Of Maharashtra

VERSUS

Dattu Kisan Dambare

AND

CIVIL APPLICATION NO. 14896 OF 2010
IN FAST/25038/2010

AND

CIVIL APPLICATION NO. 14897 OF 2010
IN FAST/25023/2010

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

Mr. A. S. Jagtap h/f Mr. A. N. Nagargoje, Advocate for Respondent
Nos.1a to 1F in CA/14897/2010.

CORAM : KISHORE C. SANT, J.

DATE : 20th SEPTEMBER 2025.

PC :-

1. In spite of service, none appears for the respondent in CA/14895/2010.
2. These applications are filed for condonation of delay of 1294 days caused in filing the first appeals.

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3. For the reasons stated in the applications, applications are allowed.
Delay stands condoned. Office to register first appeals.

FIRST APPEALS

4. These appeals are arising out of common Judgment and Award dated 12th July 2006 passed by the learned Civil Judge, Senior Division, Osmanabad in respective LAR numbers. The particulars of the proceeding, measurement of the lands acquired and compensation awarded by the learned SLAO and Reference Court are as below:

Sr. No.	FA with No.	LAR No.	Land Acquired	SLAO Rate	Reference Court rate
1	FAST/ 24956/2010	131/1995	0H 59R	12800/- per Acre (32000/- per H)	Rs.50000/- per Acre
2	FAST/ 25038/2010	158/1995	0H 7A 84	12800/- per Acre (32000/- per H)	Rs.50000/- per Acre
3	FAST/ 25023/2010	165/1995	2H 23R	12800/- per Acre (32000/- per H)	Rs.50000/- per Acre
4	RC/ 1485/2013	162/1995	0H 58R	12800/- per Acre (32000/- per H)	Rs.50000/- per Acre

5. The respondents are the claimant, who had filed Land Acquisition References for enhancement of compensation under Section 18 of the Land Acquisition Act. The land of the respondent-claimant came to be acquired for Devkawadi Medium Project Taluka Bhoom by issuing notification under Section 4 of the Land Acquisition Act on 28th February 1991. The award came to be passed on 13th August 1995. The rate awarded by the learned SLAO is of Rs. 12,800/- per Acre. By way of impugned Judgment and Award, the learned Reference Court has granted the enhancement and awarded compensation of Rs.50,000/- per Acre.

6. This Court finds that the said enhancement is less than four times of the award passed by the learned SLAO. The State Government vide notification dated 3rd November 2016 and Corrigendum dated 23rd February 2017 has taken a decision not to prefer appeals where the amount of compensation awarded by the Reference Court is less than four times of the amount awarded by the learned SLAO.

7. Considering above, this Court finds that the present matters are

squarely covered by the said policy decision. Keeping the appeals pending is not of use. The appeals deserve to be dismissed. Hence, the following order:

ORDER

- (i) First Appeals stand dismissed. No order as to costs.
- (ii) In view of dismissal of First Appeals, pending Civil Applications, if any, do not survive and same stand disposed off.

[KISHORE C. SANT, J.]