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

**927 CIVIL APPLICATION NO. 12979 OF 2011
IN FAST/24562/2011**

THE STATE OF MAH THR. COLLECTOR JALNA AND ORS

VERSUS

JAGANATH BAGAJI BODKHE

WITH

**CIVIL APPLICATION NO. 12980 OF 2011
IN FAST/24562/2011**

THE STATE OF MAH THR. COLLECTOR JALNA AND ORS

VERSUS

JAGANATH BAGAJI BODKHE

Ms. R.R. Tandale, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 09.09.2025

PC :-

01. Heard. In spite of service of notice, none appears for the respondent-original claimant.

02. For the reasons recorded in the application, the delay stands condoned. The application is allowed. Office to register the First Appeal.

FIRST APPEAL

01. Heard learned AGP for the appellant-State. This First Appeal is arising out of judgment and award passed by the learned District Judge, Jalna in LAR No. 162 of 1999. The land of the claimant-respondent came to be acquired for percolation tank of village Botegaon. Section 4 Notification was issued on 30.03.1995. Award was passed on

16.12.1996 and on the same date possession is taken. In the award the learned Special Land Acquisition Officer granted compensation @ Rs. 420/- per R. Considering total land acquired admeasuring 3 H 50R, total compensation was awarded of Rs. 1,47,000/-. The learned Reference Court by way of impugned judgment and award enhanced the amount of compensation granting the same @ Rs.580/- per R. Thus, the total amount awarded is Rs. 2,03,000/-.

02. Now the Government has come vide resolution No. Sankirna-2014/p.ra.kra.4/Bham-1/A-1 dated 03.11.2016 and its corrigendum dated 23.02.2017 and 13.08.2018, wherein a decision is taken by the State not to prefer appeal where enhanced amount of compensation is not more than four times of the total compensation awarded by the Special Land Acquisition Officer. It further stipulates that in-case appeals are filed, same are to be withdrawn.

03. Considering the above, this Court finds that keeping the present appeal pending would not be in the interest of any of the parties. Therefore, the First Appeal stands dismissed. The appellant shall be entitled to refund of Court fees.

04. Pending civil application, if any, stands disposed off.

[KISHORE C. SANT, J.]