



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

**CIVIL APPLICATION NO. 13606 OF 2011
IN FAST/25627/2011**

The State Of Maharashtra
Through Collector, Osmanabad .. Applicant

Versus

Mohan Manik Upase And Another .. Respondents

Mr. R. B. Dhaware, AGP for the Applicant.

**WITH
CIVIL APPLICATION NO. 13604 OF 2011
IN FAST/25695/2011**

The State Of Maharashtra
Through Collector, Osmanabad .. Applicant

Versus

Shamrao Piraji Vharkat
Through his legal heirs
Sushila Shamrao Vharkat And others .. Respondents

Mr. R. B. Dhaware, AGP for the Applicant.

**WITH
FIRST APPEAL (STAMP) NO. 25627 OF 2011**

The State Of Maharashtra
Through Collector, Osmanabad .. Appellant

Versus

Mohan Manik Upase And Another .. Respondents

Mr. R. B. Dhaware, AGP for the Appellant.

**WITH
FIRST APPEAL (STAMP) NO. 25695 OF 2011**

The State Of Maharashtra
Through Collector, Osmanabad

.. Appellant

Versus

Shamrao Piraji Vharkat
Through his legal heirs
Sushila Shamrao Vharkat And others

.. Respondents

Mr. R. B. Dhaware, AGP for the Appellant.

CORAM : KISHORE C. SANT, J.

DATE : 31st JULY, 2025.

PER COURT :-

CIVIL APPLICATIONS FOR DELAY :

. Both these applications are filed seeking condonation of delay caused in filing the first appeals.

2. In spite of service, none appears for the respondents/original claimants/heirs of original claimants.

3. For the reasons stated in the applications, delay of 464 days stands condoned. The applications stand allowed. Office to register first appeals.

4. The civil applications stand disposed of.

FIRST APPEALS :

1. Since both the appeals are arising out of the same acquisition proceedings decided by the same Court by way of common judgment, both the appeals are taken up together.

2. In the present case, First Appeal (Stamp) No. 25627/2011 is arising out of the judgment and award in L.A.R. No. 103/2000 passed by the learned C.J.S.D., Dharashiv dated 25.03.2010. First Appeal (Stamp) No. 25695/2011 is against the judgment and award passed in L.A.R. No. 104/2000 by the same Court on the same date. The lands of the claimants from village Arali (Kh.) came to be acquired for percolation tank of Arali. Notification under Section 4 of the Land Acquisition Act was issued on 30.08.1994. The land in First Appeal (Stamp) No. 25627/2011 is acquired from Gat No. 14 to the extent of 85 R. The land in First Appeal (Stamp) No. 25695/2011 is acquired from Gat No. 16 to the extent of 22 R. The award was passed on 16.06.1997. The learned S.L.A.O. granted rate of Rs. 17,000/- per Acre in First Appeal (Stamp) No. 25627/2011. The learned Reference Court granted rate of Rs. 34,400/- per Acre alongwith statutory benefits.

The State Government, therefore, has approached this Court on the ground that, enhancement appears to be exorbitant. The learned S.L.A.O. had rightly granted the rate by considering sale instances and market rate prevailing in the village. However, now the Government has come up with a policy by way of Government decision dated 03.11.2016 and corrigendum dated 23.02.2017. It is the policy decision taken by the Government that not to file an appeal where the enhancement is less than four times of the award of the learned S.L.A.O. If the appeals are preferred, the same to be withdrawn.

3. This Court finds that, in the present case, the amount is within four times of the amount awarded by the learned S.L.A.O. In view of the Government decision, no purpose would be served by keeping these appeals pending. The first appeals, therefore, stands dismissed. No order as to costs.

(KISHORE C. SANT, J.)

PS.B.