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104-CA-11394-2014

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

104 CIVIL APPLICATION NO. 11394 OF 2014
IN FAST/30075/2014

The Collector, Osmanabad
VERSUS
Haosrao Jijaba Pawar And Another
WITH
CIVIL APPLICATION NO. 7395 OF 2025
IN FAST/30075/2014
WITH
CIVIL APPLICATION NO. 11395 OF 2014
IN FAST/30075/2014

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Mr. S. B. Jadhav, AGP for Applicant.

Mr. Abhijit S. More, Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 2nd SEPTEMBER 2025.

PC :-

CA/11394/2014

1. This application is filed for condonation of delay of 833 days caused in filing the appeal.
2. For the reason stated in the application, application stands allowed. Delay stands condoned. Office to register first appeal.

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FIRST APPEAL

3. Heard Mr. Jadhav, the learned AGP for appellant-State and Mr. More, the learned Advocate for Respondent. This first appeal is taken up for final disposal with the consent of the parties.

4. The appeal is filed by the State Government challenging the judgment and award dated 5th May 2012 passed by the learned Civil Judge, Senior Division, Paranda Dist. Osmanabad, in Land Acquisition Reference No. 74 of 2011 (Old LAR No.411 of 1997). By way of impugned judgment and award, the learned CJSD, Paranda, has enhanced the amount of compensation from Rs.20,000/- per hector to Rs.87,500/- per hector.

5. The facts, in short, are that the Government acquired the land belonging to the respondent claimant from Gut No.25 to the extent of 87R and from Gut No. 27 to the extent of 23R for the project of Hingangaon percolation tank, Dist. Osmanabad. Notification under Section 4 was issued on 14th July 1994. The award was passed on 13th

September 1996. The respondent-claimant being aggrieved by the sufficiency and adequacy of the compensation, filed reference under Section 18 of the Land Acquisition Act for enhancement.

6. In support of his claim, the claimant examined himself at Exh.30. He relied upon the award in another proceeding at Exh.33. The certified copy of sale-deed dated 15th June 1992 at Exh.35. The learned trial Judge considered the evidence and passed the order.

7. The learned APP vehemently argued that the learned trial Judge had not properly considered the evidence. The learned SLAO had rightly awarded the rate by looking to the condition of the land, situation, location etc. He thus prays for allowing the appeal.

8. Learned Advocate Mr. More vehemently opposed the appeal. He relied upon the order dated 22nd August 2024 passed by this Court in First Appeal No. 979 of 2002, wherein this Court had dismissed the appeal and enhanced the amount of compensation, which was very meager.

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9. Considering that judgment, this Court also finds that in the present case, the amount of compensation is little more than four times of the award of the learned SLAO. The State Government has already taken a policy decision by Government Resolution dated 3rd November 2016 and corrigendum dated 23rd February 2017, not to file appeals were four times of the amount of rate granted by learned SLAO.

10. Considering the judgment in First Appeal No. 979 of 2002 and the policy decision of the Government, this Court finds that no purpose would be served by keeping First Appeal pending. This Court also finds that, no case is made out to allow the appeal. The first appeal therefore stands dismissed.

11. The respondent-claimant has filed civil application No.7395 of 2025 for withdrawal of the amount deposited in the office of this Court by the Government.

12. In view of dismissal of first appeal, the amount deposited in the office of this Court be transferred to the account of respondent-claimant.

The said amount be adjusted in the compensation, if there is any difference. Civil application stands disposed off in view of dismissal of the first appeal.

13. Pending civil applications, if any, also stand disposed off.

[KISHORE C. SANT, J.]