IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 FIRST APPEAL NO. 4679 OF 2017

THE STATE OF MAHARASHTRA AND OTHERS
*VERSUS*
KONDIBA BANDU JADHAV AND OTHERS
...
Mr. S. S. Dande, AGP for the Appellants/State.
Mr. Gajanan K. Kshirsagar, Advocate for Respondent Nos.1 and 2.
...

WITH
CIVIL APPLICATION NO. 8012 OF 2021
IN FA/4679/2017

KONDIBA BANDU JADHAV
*VERSUS*
THE STATE OF MAHARASHTRA AND ORS
...
Mr. Gajanan K. Kshirsagar, Advocate for Applicant.
Mr. S. S. Dande, AGP for Respondents/State.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

1. Admit.

2. Since the acquisition proceedings pertain to the year 2004, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

3. By this appeal, the Appellant is aggrieved by the judgment and award dated 27.09.2011 passed by the learned 3rd Joint Civil Judge Senior Division, Jalna in LAR No.167/2010 (Old No.155/2007),

whereby the learned Reference Court enhanced the compensation.

4. Brief facts of the present case are as under:-

(i) The land of the Claimant from village Mevhna was acquired for Percolation Tank No.1, Taluka Badnapur and District Jalna.

(ii) The Notification under Section 4 of the Land Acquisition Act, 1894 came to be published on 01.10.2004.

(iii) The Special Land Acquisition Officer (SLAO) passed an award on 02.12.2005 and granted the compensation of Rs.620/- per R. The learned Reference Court has granted the rate of Rs.2,500/- per R.

5. Mr. S. S. Dande, learned Advocate for the Appellants/State submits that the Claimants sought a reference and claimed more amount relying upon the sale instance below Exhibit-21. As per the sale instance, the sale instance from the same village and considering the sale instances below Exhibits-21 and 29, the learned Reference Court has granted the rate of Rs.2,500/- per R and therefore, considering the above, the enhancement granted by the learned Reference Court is slightly more than four times.

6. In fact the State Government vide Government Resolution No.Sankirna-2014/Prak.Kra.4/Bham-1/A-4 dated 03.11.2016 with Corrigendum dated 23.02.2017 and 13.08.2018 to the said Government Resolution, took a decision not to challenge the reference,

if compensation is enhanced only upto four times.

7. Therefore, I do not find any reason to intervene with the impugned order. Hence, the present Appeal is dismissed.

8. In view of dismissal of the Appeal, pending Civil Applications, if any, do not survive and are disposed of accordingly.

9. The State has already taken a decision. The Claimants are permitted to withdraw the remaining amount with interest accrued thereon.

10. Solvent surety/security, undertaking or bank guarantee, as the case may be, if any, stands discharged.

(SIDDHESHWAR S. THOMBRE, J.)

*Tauseef*