IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 FIRST APPEAL NO. 1784 OF 2015

THE STATE OF MAH THR COLLECTOR AND ANR
VERSUS
VISHWANATH NAGNATH KACHARE
...
Mr. B. A. Shinde, AGP for the Appellants/State.
Mr. Sanjay A. Wakure, Advocate for Respondent.
...
AND
NOT ON BOARD, TAKEN ON BOARD.
FIRST APPEAL NO.4410 OF 2016

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND ANR.
VERSUS
NAGNATH GOPAL KACHARE (DECEASED), THROUGH HIS L.Rs.
VISHWANATH NAGNATH KACHARE AND OTHERS.
...
Mr. B. A. Shinde, AGP for the Appellants/State.
Mr. Sanjay A. Wakure, Advocate for Respondents.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1995, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

2. By these appeals, the Appellants/State are aggrieved by the judgment and award dated 03.04.2010 passed by the learned Joint Civil Judge Senior Division at Osmanabad in LAR Nos.222/2000 and 232/2000.

3. Brief facts of the present cases are as under:-

(i) The lands of the Claimants in LAR No.222/2000 bearing Gat No.209, admeasuring 3 Hectares and in LAR No.232/2000 land admeasuring 1 Hectare 10 R from Gat No.115, situated at village Arali (Kd.) was acquired for the purpose of the Minor Irrigation Tank, Arali (Kd), Taluka Tuljapur, District Osmanabad.

(ii) The notification under Section 4 of the Land Acquisition Act, 1894, came to be published on 15.05.1995.

(iii) The Special Land Acquisition Officer (SLAO) passed the award on 30.05.1998 and granted compensation at the rate of Rs.18,000/- per Acre and Rs.20,000/- per Acre respectively. Against the said award, the learned Reference Court enhanced the compensation by Rs.34,400/- per acre.

4. Mr. B. A. Shinde, learned AGP for the Appellants/State submits that the learned Reference Court relied upon the sale instance at Exhibit-21 pertaining to the same village while determining the compensation. He submits that the compensation awarded by the learned Reference Court is slightly more than four times the compensation awarded by the SLAO. In fact, the State Government has directed that such matters, wherein the enhancement is within four times the compensation awarded by the SLAO, should not be prosecuted.

5. 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.

6. Therefore, I do not find any reason to intervene with the impugned order. Hence, the present Appeals are dismissed.

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

(SIDDHESHWAR S. THOMBRE, J.)

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