

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

FIRST APPEAL NO.1826 OF 2015

Chudaman Namdev Mali
Age major, Occ. Agri.,
R/o Morfal, Taluka Parola
District Jalgaon

... APPELLANT

VERSUS

1. The Special Land Acquisition
Officer, Jalgaon.
2. The Executive Engineer,
Jalgaon.
3. The Collector,
Jalgaon, District Jalgaon.

... RESPONDENTS

.....
Shri A.B. Kale, Advocate for the appellant
Shri S.G. Karlekar, A.G.P. for respondents
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CORAM: R.M. BORDE AND
 P.R. BORA, JJ.

DATED: 6th October, 2015.

ORAL JUDGMENT (PER R.M. BORDE, J.):

1. Heard. Perused the order passed by the learned
Single Judge of this Court in First Appeal Stamp No.1766/2013
and other companion matters as well as by the Division Bench in
the matter of Lotan Namdeo Mali, Died through L.Rs. Vilas and
others Vs. The State of Maharashtra & ors. in First Appeal Stamp

No.1820/2013, decided on 1.4.2014.

2. It is not a matter of dispute that the instant appeal also arises under the same Section 4 Notification and the same award which was the matter of challenge before the learned Single Judge as well as the Division Bench in the First Appeals referred to above. This appeal, as such, can be conveniently disposed of in view of the reasons recorded in the aforesaid First Appeals and we deem it appropriate to dispose of the same accordingly.

3. In the result, the following order :

The impugned award dated 6.12.2010, passed by the Reference Court in Land Acquisition Reference No.21/2007 is quashed and set aside and the matter stands remitted back to the Reference Court for taking decision afresh in accordance with the provisions of law. The learned Civil Judge, Senior Division or any other Judge to whom the matter would be assigned, shall decide the reference application afresh in accordance with law after extending opportunity of hearing to both the parties. The appeal is thus allowed. There shall be no order as to costs.

(P.R. BORA, J.)

(R.M. BORDE, J.)