

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1614 OF 2007
AND
CIVIL APPLICATION NO.9634 OF 2006

The State of Maharashtra and anr. .. Appellants/
Applicants

VERSUS

Zumbar S/o Dattatraya Peche and anr. .. Respondents

Mr. S.P. Daund, AGP for the appellant/State
Mr. D.R. Jaybhar, Advocate for respondent nos.1 and 2

CORAM : M.T. JOSHI, J.

DATE : 04/02/2015

ORAL ORDER :

1. Heard.

2. Learned counsel for the respondents Mr. Jaybhar places on record true copies of two judgments delivered by another Bench of this Court on 4/9/2014 and 24/7/2014 respectively. Those are accepted and marked as "X" and "X-1" for the purpose of identification.

3. Reading of those judgments would show that arising out of the same land acquisition proceedings, different reference applications were filed. 'X' would show that First Appeal no. 869 of 2006 alongwith other

First Appeals were decided by this Court on 4th September, 2014, while 'X-1' would show that First Appeal no.873 of 2006 was decided by this Court on 24th July, 2014.

4. The decision would further show that the reference Court had awarded compensation of Rs.700/- per are to the claimant-land owner therein. In the present case also Rs.700/- per are and Rs.350/- per are for potkharabha land were awarded.

5. Similar market price was fixed in land acquisition reference, against which the first appeals were filed, as are reflected in 'X' and 'X-1'. Further reading of the same would show that in all the proceedings, one sale instance dated 03/09/1998 was relied in.

6. Reading of the judgment would show that this Court has dismissed all the first appeals filed by the State challenging the said order. In the circumstances, for the similar reasons, the present appeal also stands dismissed without any order as to costs.

7. Civil Application No. 9634 of 2006 for grant of stay to the execution of the impugned award therefore does not survive and stands disposed of.

[M.T. JOSHI]
JUDGE

arp/