

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

924 SECOND APPEAL NO. 528 OF 1991

VASANT DATTATRYA KULKARNI & OTHERS.
VERSUS
THE STATE OF MAHARASHTRA THRO.COLLECTOR.

Shri. S.P. Sonpawale, Assistant Government Pleader, for
respondents.

CORAM: T.V. NALAWADE, J.

DATE : 17th JUNE 2016.

ORDER:

1) Nobody is present for the appellant. Heard learned Assistant Government Pleader. The learned AGP produced record of acquisition proceeding which includes the record of payment of compensation to the present appellant Vasant Dattatraya.

2) The suit was filed by the present appellant for relief of damages and mandatory injunction. His grievance was that without starting acquisition proceeding of his land, present respondent had made construction of road. Only damages were granted by the trial court. The first

appellate Court gave direction to the Government to see that acquisition proceeding is started and compensation is paid. This decision was also challenged by filing present appeal by the plaintiff.

3) The submissions made and the record show that the acquisition proceeding was started in the year 1999 and after completion of the acquisition proceeding award was made and compensation is also paid to the present applicant in respect of the disputed property. In view of these circumstances and the submissions made nothing survives in the appeal. The appeal stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

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