

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

**FIRST APPEAL NO. 1082 OF 2004
WITH
CA/138/2006 IN FA/1082/2004**

STATE OF MAHARASHTRA
VERSUS
KHANDU DAGADU BHOGADE & OTHERS

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Advocate for Appellant : Mr. S. R. Yadav
Advocate for Respondents : Mr B. N. Palve

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CORAM : V.K. JADHAV, J.
Dated: June 13, 2016

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PER COURT :-

1. When this appeal was taken up for hearing, learned counsel appearing for the respondents/original claimants brought to my notice that the companion matters, arising out of the same acquisition proceedings are decided by this Court vide order dated 11.02.2016 and all those appeals have been dismissed. Learned counsel submitted that, in fact, the present appeal also ought to have been clubbed with the said appeals, however, remained to be clubbed and hence, could not be decided with the same. Learned counsel further submitted that, in First Appeal No. 1015 of 2004 with companion matters, this Court, vide order dated

11.02.2016, has held that it is not possible to interfere in the decisions given by the reference court and that for Jirayat lands rate of Rs.1,12,500/- per Hectar is given and for Bagayat lands rate of Rs.1,68,500/- is given when higher rate could have been given. Copy of the common order passed in those appeals is also placed on record by the learned counsel.

2. Learned AGP has conceded the fact of decision of aforesaid appeals arising out of the same acquisition proceedings and dismissal of appeals in all those matters.

3. For the reasons recorded by this Court in order dated 11.02.2016 in First Appeal No. 1015 of 2004 with companion matters, the present appeal is also liable to be dismissed and is accordingly dismissed.

4. In view of dismissal of appeal, pending Civil Application do not survive, as such, stands disposed.

(V.K. JADHAV, J.)

aaa/-