

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

FIRST APPEAL NO. 7 OF 2008

THE MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION THR DIV CONTROLLER, BEED.

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Appellant : Mr A B Dhongade

AGP for Respondent 1 : Mr S R Yadav

Advocate for Respondent 2 : Mr S A Ambad

...

CORAM : V.K. JADHAV, J.

Dated: May 02, 2016

...

PER COURT :-

1. When the present appeal was taken up for hearing, learned Counsel appearing for the parties brought to my notice that, in one of the matters arising out of the same acquisition proceedings, out of which the present appeal has arisen, the Hon'ble Apex Court has confirmed the order passed by the Reference Court.

2. Learned Counsel appearing for the appellant submits that, for building S.T. Depot and staff quarters at Ambejogai, the appellant Corporation had moved a proposal for acquiring the lands, and certain lands were acquired. Major acquired portion from Survey

No.171 situate at Ambejogai admeasring 3 Hectares and 70 R. and others were patches of different adjoining lands belonging to different land holders. Several land acquisition references were filed seeking enhancement in the amount of compensation by the respective land holders. Though the Reference Applications were separately decided by the Reference court, in all these matters, the Reference court has determined the market value of the acquired land at the rate of Rs.9/- per Square Feet. The award passed in one of such LAR No.1159/1981 was challenged by the State Transport corporation before this Court by filing First Appeal No.200/1988. The aforesaid appeal was decided by this Court vide order passed on 4th of March, 2003. This court allowed the appeal so filed by the State Transport Corporation by determining the market value of the land acquired for the aforesaid project at the rate of Rs.90,000/- per hectare. Respondent in the said Appeal, Viz: ZakirZakir Ali (D) through Legal heirs, challenged the judgment of this Court by filing Civil Appeal No.3505 of 2004 before the Honourable Apex Court and the same has been decided by the

Honourable Apex Court on 3rd May, 2013. Learned Counsel for the appellant has placed on record the copy of the said judgment and order. The Honourable Apex Court has set aside the judgment and decree passed by this Court and had restored that of the Reference Court.

3. There is no dispute that the acquired land which is the subject matter of the present appeal was acquired for building of S.T. depot and staff quarters at Ambejogai. It has also not been disputed that the land which was the subject matter in L.A.R. No.1159/1981 and the land which is the subject matter in the present appeal is adjacent lands and majority of them are from one survey number. In view of the fact that, the Hon'ble Apex Court has confirmed the order passed by the Reference Court in L.A.R. No.1159/1981, wherein the Reference Court has determined the compensation at the rate of Rs.9/- per Sq. Ft., the said decision would apply to the acquired lands which is the subject matter in the present appeal being the adjacent lands. The learned Counsel for the appellant Corporation was fair enough in submitting that, when the Hon'ble Apex

Court has confirmed the Award passed by the Reference Court in one of such Reference, arising out of the same acquisition, the appellant Corporation has little scope in the present appeals.

4) In view of the submissions so made, and more particularly having regard to the Judgment of the Hon'ble Apex Court in Civil Appeal No.3505/2004 decided on 03.05.2013, the present appeal stands dismissed, however, without any order as to costs.

Pending Civil Applications, if any, stand disposed of.

(V.K. JADHAV, J.)

....

aaa/-