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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 370 OF 2017

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIVISION, OMERGA AND OTHERS
VERSUS
SURESH RAOSAHEB DEOKAR AND OTHERS

...

WITH
FIRST APPEAL NO. 371 OF 2017

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIVISION, OMERGA AND OTHERS
VERSUS
DASHRATH VITTHAL DEOKAR (DIED) HIS L.RS. SUNIL DASHRATH
DEOKAR AND ANOTHER

...

WITH
FIRST APPEAL NO. 372 OF 2017

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIVISION, OMERGA AND OTHERS
VERSUS
KASHINATH TATYA GADHAVE

...

WITH
FIRST APPEAL NO. 373 OF 2017

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIVISION, OMERGA AND OTHERS
VERSUS
SHIVAJI VISHWAMBHAR DEOKAR AND ANOTHER

...

WITH
FIRST APPEAL NO. 374 OF 2017

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIVISION, OMERGA AND OTHERS
VERSUS
NARAYAN VITTHAL DEOKAR

...

Advocate for Appellants : Mr. Sangle Shirish G.
AGP for State/authority: Mr. S.N.Morampalle
Advocate for Respondent-claimants : Mr. L.C. Patil

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CORAM : V. K. JADHAV, J.
DATED : 2nd AUGUST, 2017

PER COURT:-

1. With consent of the parties, heard finally at admission stage.
2. Learned counsel for the respondents-claimants submits that this Court by order dated 24.7.2015 in first appeal (St.) No. 6584 of 2015 and other connected appeals, arise out of same notification and the acquisition proceeding, dismissed the appeals preferred by the present appellant-acquiring body.
3. Learned counsel for the appellant acquiring body has also not disputed this position.
4. On perusal of order passed by this Court dated 24.7.2015, it appears that this Court had an occasion to deal with the appeals arise out of the same notification and the acquisition proceeding for Wanegaon storage tank, preferred by the present appellant acquiring body and also to consider the same sale instance, relying on which the reference Court has awarded the compensation at the enhanced rate.

This court has observed that the reliance placed by the Reference Court in granting enhancement on the said sale instance is in accordance with law. In view of the aforesaid observations, there is no reason to take any other view than the view taken by this Court in the aforesaid appeals, vide order dated 24.7.2015.

5. In the light of above, the appeals preferred by the appellant acquiring body are thus liable to be dismissed. Accordingly, the first appeal Nos. 370 of 2017 (Executive Engineer, Irrigation Project Strengthening Division, Omerga and others vs. Suresh Raosaheb Deokar and others), 371 of 2017 (Executive Engineer, Irrigation Project Strengthening Division, Omerga and others vs. Dashrath Vitthal Deokar Died though his L.Rs. Sunil Dashrath Deokar and another), 372 of 2017 (Executive Engineer, Irrigation Project Strengthening Division, Omerga and others vs. Kashinath Tatya Gadhave), 373 of 2017 (Executive Engineer, Irrigation Project Strengthening Division, Omerga and others vs. Shivaji Vishwambhar and another) and 374 of 2017 (Executive Engineer, Irrigation Project Strengthening Division, Omerga and others vs. Narayan Vitthal Deokar) are hereby dismissed with costs. All appeals are accordingly disposed of.

(V. K. JADHAV, J.)

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