

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

44 FIRST APPEAL NO. 935/2009

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT DIVISION,
LATUR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Ruturaj Patil.
AGP for Respondent No. 1 : Mr. A.M. Phule.
Advocate for Respondent No. 2 : Mr. D.R. Jayabhar H/f
Mr. D.J. Choudhari.

CORAM : K. L. WADANE, J.

DATE : 11th September, 2017

ORDER:

1. With the consent of the parties, this appeal is taken up for final hearing.

2. Heard Mr. Patil learned counsel appearing for the appellant, Mr. Jayabhar learned counsel H/f Mr. Chaudhari, Advocate, for respondent No. 2 and Mr. Phule, learned A.G.P. appearing for the respondent No.1.

3. Learned counsel appearing for the respondent No. 2 points out that the sister appeals arising out of the same judgment and award i.e. First Appeal No. 922/2009 and other connected appeals were already disposed of by this Court (Coram : P.R. Bora, J.) and same were dismissed by judgment and order dated 02.05.2016. Based upon the observations of this Court in the said

judgment, the learned counsel for respondent No. 2 submits that, the issue has been already adjudicated by this Court in the aforesaid appeals.

4. The notification under section 4 of the Land Acquisition Act in the present appeal and other land acquisition references is the same and the land was acquired for the same project. Therefore the learned counsel for respondent No. 2 has pointed out the reasons recorded by this Court in the above referred first appeals and submits that this appeal also needs to be dismissed.

5. I have gone through the reasons recorded by this Court and based upon the same evidence, this Court has rejected the sisters appeals. Therefore, I have no reason to take a different view.

6. In view of the above, the first appeal is dismissed with no order as to costs.

(K. L. WADANE, J.)

mkd