

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

927 CIVIL APPLICATION NO. 1063 OF 2016
IN FA/124/2011

RAJENDRA GANPATRAO ASHTEKAR
VERSUS
THE UNION OF INDIA THROUGH DEPUTY CHIEF ENGINEER
(CONSTRUCTION) CENTRAL RAILWAY O

Advocate for Applicant : Patil Mahesh S.
A.G.P for the State Mr. Y.G. Gujarathi,

CORAM : **R.D. DHANUKA &
SUNIL K. KOTWAL, JJ.**
DATED : 28-09-2017.

PER COURT :-

By this Civil Application, the applicant seeks modification of the order dated 3rd December, 2010 passed in Civil Application No. 16321 of 2010, and order dated 2nd September, 2011 in Civil Application No. 7738 of 2011.

2. Learned counsel for the applicant invited our attention to the various orders passed in Civil Application including order dated 8th May, 2015 passed by the Supreme Court in Special Leave to Petition No. 8179 of 2015 and submits that pursuant to the said order passed by the Supreme Court granting liberty to the applicant to approach this Court for seeking similar orders as those were passed by the

Supreme Court on 24th April, 2015 in Civil Application No. 4014-4017 of 2015. He submits that in the said order dated 24th April, 2015 passed by Supreme Court in Civil Application No. 4014-4017 of 2015, Supreme Court has directed the acquiring body to deposit 100% of the awarded sum and has granted liberty to withdraw the entire amount on the certain conditions.

3. Learned counsel for the acquiring body on the other hand submits that the applicant had already prayed for depositing of the balance amount, in the Civil Application No. 273 of 2011 which was rejected by this Court. In so far order passed on 8th May, 2015 passed by the Supreme Court is concerned, it is submitted that said order was passed on the basis of order passed in Civil Application No. 10850 of 2011. He submits that, land under acquisition before Supreme Court was totally different and was not in respect of the same acquisition award or notification.

4. Learned counsel for the applicant does not dispute that the land in acquisition which was subject matter of the order passed by the Supreme Court was not in respect of same notification or the land in the same location.

5. The learned counsel for the applicant is unable to satisfy this Court as to how order passed by the Supreme Court in the above-

referred matter would apply to the facts of this case. Admittedly, the land in question before this Court and before the Supreme Court were under different notification and by different acquiring body. We are thus not inclined to grant any relief as prayed in the Civil Application.

6. Civil Application is dismissed. No order as to costs.

(SUNIL K. KOTWAL)

JUDGE

(R.D. DHANUKA)

JUDGE

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