

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 LETTER PATENT APPEAL NO. 94 OF 2005

TRAYAMBAK CHINTAMAN MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Appellant : Mr. Sushant Dixit h/f. Mr. V.J. Dixit.
AGP for respondents : Mr. S.N.Kendre.

**CORAM : SUNIL P. DESHKUKH
AND K.K. SONAWANE, JJ.**

DATE : 26th October, 2018.

PER COURT:

Having regard to Section 54 of the Land Acquisition Act, 1894 :-

“54. Appeals in proceedings before court :-

Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908) applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to the Supreme Court subject to the provisions contained in Section 110 of the Code of Civil Procedure, 1908, and in Order XLIV thereof.”

and Section 100-A of Code of Civil Procedure :-

“100-A. No further appeal in certain cases :-

Notwithstanding anything contained in any Letters Patent for any High Court or in any instrument having the force of

law or in any other law for the time being in force, where any appeal from an original or appellate decree or order is heard and decided by a Single Judge of a High Court, no further appeal shall lie from the judgment and decree of such Single Judge.”

and further the decision of the Full Bench of this Court in ***Mohd. Riyazur Rehman Siddiqui Vs. Deputy Director of Health Services, reported in 2008(6) Mh.L.J. 941***, it appears that present LPA is not available and would not be maintained and is dismissed as such.

[K.K. SONAWANE]
JUDGE.

[SUNIL P. DESHMUKH]
JUDGE.

grt/-