

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 479 OF 2005

THE STATE OF MAHARASHTRA
VERSUS
DHUDKU VEDU JOHARE AND OTHERS

AND
CIVIL APPLICATION NO. 5891 OF 2005

...
AGP for Appellant : Mr. S.S. Dande
Advocate for Respondents-claimants : Mr. Ajeet B. Kale

CORAM : ANIL S. KILOR, J.

DATE : 5th MAY, 2021

ORAL ORDER :-

At the outset, Mr. A. B. Kale, learned counsel for the respondents-claimants submits that the issue involved in this Appeal stands settled by the decision of the Division Bench of this Court in the case of *Special Land Acquisition Officer (III), Jalgaon and another Versus Bhagwat Vithal Sonwane*¹, where in respect of acquisition for the very same Waghur Project, the Division Bench has approved the very rates now granted by the Reference court in the impugned Judgment and award. Therefore, he submits that by adopting the reasoning in the case of *Bhagwat Vithal Sonwane* (supra), this Appeal is also liable to be dismissed.

2. In view of aforesaid submission, since this Court has already passed the Judgment and order in the connected matters long back and it was not challenged in the Apex Court, it would not be appropriate to take

different view, which was taken by the same Judgment, and accordingly, I adopt the same view.

3. Accordingly, the First Appeal is dismissed. No order as to costs.

4. In view of dismissal of First Appeal, Civil Application no. 5891 of 2005 stands disposed of.

(ANIL S. KILOR)
JUDGE

arp/-