

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LETTERS PATENT APPEAL NO.05 OF 2011
IN
FIRST APPEAL NO.482 OF 1994

Keshavrao s/o Deorao Mahindre (Patil), Digras, Dist. Yavatmal
-vs-

The State of Maharashtra and ors.

WITH

LETTERS PATENT APPEAL NO.06 OF 2011
IN
FIRST APPEAL NOS.299 OF 1994 AND 537 OF 1994

Omprakash s/o Sadashivrao Mahindre (Patil), Digras, Dist. Yavatmal
-vs-

The State of Maharashtra and ors.

WITH

LETTERS PATENT APPEAL NO.07 OF 2011
IN
FIRST APPEAL NO.302 OF 1994

Amrut s/o Sadashivrao Mahindre (Patil), Digras, Dist. Yavatmal
-vs-

The State of Maharashtra and ors.

WITH

LETTERS PATENT APPEAL NO.08 OF 2011
IN
FIRST APPEAL NO.304 OF 1994

Gajanan s/o Sadashivrao Mahindre (Patil), Digras, Dist. Yavatmal
-vs-

The State of Maharashtra and ors.

WITH

LETTERS PATENT APPEAL NO.550 OF 2010
IN
FIRST APPEAL NOS.301 OF 1994 AND 105 OF 1995

Omprakash Sadashivrao Mahindre (Patil), Digras, Dist. Yavatmal
-vs-

The State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. M. Agnihotri, Advocate for appellants.
Smt Sangita Jachak, Assistant Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : July 15, 2021

The challenge raised in these appeals is to the judgment of the learned Single Judge in various first appeals that had been preferred under Section 54 of the Land Acquisition Act, 1894. While admitting these appeals the question as regards tenability of the same was kept open.

Shri M. M. Agnihotri, learned counsel for the appellants has fairly pointed out the judgment of the Division Bench of this Court in *Mohanlal Chandmal Phafat and anr. vs. State of Maharashtra 2018(3) Mh.L.J. 547* in which it has been held that a Letters Patent Appeal against the judgment of the learned Single Judge deciding an appeal under Section 54 of the Land Acquisition Act, 1894 is not maintainable. The Division Bench has relied upon various decisions of the Honourable Supreme Court to arrive at that conclusion.

We find that in the light of the law laid down in the aforesaid judgment of the Division Bench, the Letters Patent Appeals would not be maintainable. The Letters Patent Appeals are accordingly dismissed as not maintainable. All pending civil applications are also disposed of accordingly.

JUDGE

JUDGE