

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

908. CA/16272/2015 In FA/74/2003

M.I.D.C. THR ITS REGIONAL OFFICER, NASIK
V/S
NIMBA NAMDEO TELI AND ANR

Mr. S.S. Dande, Advocate for applicant.

Mr. V.G. Sakolkar, Advocate for respondent No. 1.

Mr. D.V. Tele, AGP for respondent No. 2.

CORAM : T.V. NALAWADE, J.
DATED : 15th December, 2015.

ORDER :

1. Notice. It is waived by the learned counsel for respondent No. 1 and the learned AGP for respondent No. 2.

2. The submissions made show that by the order dated 1.12.2015 this Court had allowed First Appeal No. 74/2003 and the matter was remanded back to the Reference Court. The submissions made show that in a proceeding not only the award of the Reference Court is set aside, but the award prepared by the Land Acquisition Officer is also set aside. The submissions made show that after the remand, the Land Acquisition Officer made new inquiry and on that basis fresh reference is made by the owner. Thus, this Court had committed mistake in remanding the matter to the Reference Court and also in allowing First

Appeal No. 74/2003. This Court had made another order in First Appeal No. 73/2003 which was brought to the notice of this Court by which the award of the Land Acquisition Officer itself was set aside. In view of the similar circumstance and as the aforesaid circumstances were not brought to the notice of this Court on 1.12.2015, the order is reviewed.

3. So, the application is allowed. The judgment and order dated 1.12.2015 of FA No. 74/2003 is hereby recalled. The appeal is disposed of as infructuous. Liberty is given to take appropriate steps, if any, to the owner and acquiring body.

[T.V. NALAWADE, J.]

SSC/