



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

WRIT PETITION NO.8148 OF 2019

(Vidarbha Irrigation Development Corporation, thr. its Executive Engineer, District
Buldhana Vs. The Collector, Buldhana and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri J.B. Kasat, Advocate for Petitioner.
Shri A.A. Madiwale, AGP for Respondent Nos.1 & 2.
Shri R.N. Ghuge, Advocate for Respondent Nos.3 & 4.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 3rd JANUARY, 2020.

Writ Petition
Number is
corrected as
per Court's
Order dated
04.02.2025

1] Writ Petition No.8175/2019, which is an identical petition, is not on board. By the consent of the parties, the said petition is taken along with Writ Petition No.8148/2019.

2] The petitioner Corporation seeks to challenge the award dated 06.11.2019 delivered by the Sub-Divisional Officer-cum-Land Acquisition Officer, Sindkhed Raja in Land Acquisition Case No.26/1990-1991 pertaining to the land acquired at Mouza Garkhed, Tq. Deulgaon Raja, District Buldhana. The petitioner has raised several grounds for challenging the award delivered under Section 28-A of the Land Acquisition Act, 1894.

3] Having heard the learned Advocates for the respective sides and having perused the record, it is obvious that the impugned award was delivered without a proper opportunity of hearing to the petitioner as well as the original claimants. The learned Advocate for the claimants is right in submitting that he has no reason to be aggrieved by

the impugned award since he has been granted certain benefits to which he is legally entitled.

4] It calls for no debate that an opportunity of hearing, if prescribed in law, is fundamental to the proceedings and such a right assumes the character of a substantive right. The record reveals that such a substantive right of the petitioner as well as the claimants has been violated. The impugned award needs to be set aside so as to relegate the parties to the said authority, enabling them to address the said authority on all issues as they may intend to.

5] In view of the above, this petition is partly allowed and the impugned award dated 06.11.2019 is quashed and set aside only for the reason that the petitioners as well as the claimants were not heard.

6] All the litigating parties shall now appear before respondent no.2 on 28.01.2020 at 03:00 p.m. Formal notices need not be issued by respondent no.2.

7] The litigating sides are permitted to submit their written say/statement and raise all such issues as they desire. Respondent no.2 shall consider all the contentions of the parties and after a reasonable opportunity of hearing, would decide the said proceeding by passing a reasoned order on or before 15.04.2020.

Sd/-

(Ravindra V. Ghuge, J.)

Corrected order.

(Anil L. Pansare, J.)