

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

WRIT PETITION NO.688/2019

Meenaben Ranchodbhai Patel Vs. The Secretary to Government of India and others.

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

Court's or Judge's order

Shri Ashish B. Nakshane, Advocate for the petitioner.
Ms. M. P. Munshi, Advocate for respondent No.1.
Shri A. A. Kathane, Advocate for respondent No.2.
Shri H. R. Dhumale, Assistant Government Pleader for respondent
No.3.

**CORAM : R.K. DESHPANDE &
AMIT B. BORKAR, JJ.
DATED : 28th FEBRUARY, 2020.**

. In response to the notice issued by this Court, the respondent No.3 – the Deputy Collector/Competent Authority has filed an affidavit dated 30.01.2020 stating in paragraph 9 and 10 as under.

“9. It is, however, submitted that in view of present writ petition filed by the petitioner, Plot Nos. 1 to 5 arising out of Survey No.86 came to be re-measured by Deputy Superintendent of Land Record and a revised Joint Measurement Report (JMR) was filed by Executive Engineer, Public Works Division, Nagpur. Therefore, the Respondent has called opinion from the Respondent No.2 which has vide correspondence dated 1.2.2019 stated that

there is disparity between area shown under construction and compensation shown in the Award and in the revised J.M.R. and revised valuation report, therefore, Respondent No.2 has given no objection to do needful in the matter.

10. It is submitted that under such circumstances it is necessary in the interest of justice to correct the impugned Award. However, as there is no provision in the Act to correct the Award, hence, permission may kindly be granted to correct the same. It appears that due to re-measurement, the adjoining owner/Awardee of the plot has received excess compensation and under such circumstances it is necessary to recover the said excess payment.”

2] None of the parties have any objection for correction of the Award in terms of paragraph 9 and 10, reproduced above.

3] Accordingly, we direct that the correction be carried out in the Award and liberty is granted to recover the excess compensation, if paid to the adjoining owners wrongfully.

4] Process of filing fresh Award be completed within a period of one month from today.

5] Petition stands disposed of.

JUDGE

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