

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO. 1473 OF 2020

AND

CIVIL APPLICATION (CAF) NO. 1475 OF 2020

IN

FIRST APPEAL NO. 1122 OF 2016 (D)

(SK. NINNU SK. MANNA & OTH...VS.. STATE OF MAH. THR. DEPT OF REVENUE & OTH.)

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

Court's or Judge's orders

Shri D.N.Mehta, Advocate for Applicants.
Shri R.J.Shinde, Advocate for Appellants.
Ms Mayuri Deshmukh, A.G.P. for Respondents/State.

CORAM : Z.A.HAQ, J.

DATED : MARCH 11, 2021.

CIVIL APPLN.NO.1473/2020.

Heard.

2. The applicants have prayed that the judgment passed by this Court in First Appeal No.1122 of 2016 on 30th August 2016 be recalled. The applicants have further prayed for declaration that they are also the persons interested in the land acquisition case and are entitled for the benefits i.e. enhanced compensation, solatium, interest and other benefits in law. According to the applicants, they are legal heirs of Bhago Manna widow of Sk. Manna, original appellant No.1 in Land Acquisition Case No.252 of 1990 [L.A.C.No.78/1987 (old)].

3. By the judgment delivered in First Appeal No. 1122 of 2016 this Court has held that the appellants in appeal are entitled for compensation @ Rs.2,40,000/- per hectare

along with statutory benefits. It is directed that the award passed by the reference Court stands modified accordingly.

4. The appellants in First Appeal have not denied the claim of the applicants that the applicants are legal heirs of Bhago Manna widow of Sk. Manna.

Shri R.J. Shinde, Advocate who represents the appellants in the First Appeal, stated that the appellants are not having objection if it is held that the applicants are entitled for their share from the amount of compensation receivable by the appellants.

5. Though the learned A.G.P. opposed the claim of the applicants for enhanced amount of compensation, in my view, the objection raised by the learned A.G.P. does not require consideration, inasmuch as acceptance of the claim of the applicants will not cause any prejudice to the State Government, Collector Yavatmal and/or Special Land Acquisition Officer, as the appellants would be entitled for their share from the amount of compensation already granted to the appellants in the First Appeal.

6. In view of the above, following order is passed:

i) The applicants are permitted to come on record of First Appeal No.1122 of 2016 as appellant Nos.5, 6, 7 and 8.

ii) The learned Advocate for the applicants shall carryout amendment in the cause title of the Memo of First Appeal No.1122/2016, within two weeks.

iii) Paragraph No.6 of the judgment delivered in First Appeal No.1122 of 2016 on 30th August 2016 shall be modified by incorporating Clause (v) as follows:

“(v) The amount of enhanced compensation and statutory benefits as per this judgment shall be distributed amongst the appellants, including newly added appellants, as per their proportionate share as per Mohammedan Law.”

iv) The above modification be carried out in the judgment delivered in First Appeal No.1122 of 2016 on 30th August 2016.

The Civil Application is **allowed** in the above terms.

CIVIL APPLN.NO.1475/2020.

In view of the order passed on Civil Application No. 1473 of 2020, the prayer in this application does not survive, it is **disposed** accordingly.

JUDGE

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