

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.11157 OF 2022
IN WP/10044/2021 WITH WP/10044/2021**

**THE EXECUTIVE ENGINEER AND ANOTHER
VERSUS
DINESH SAHEBRAO PATIL AND OTHERS**

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Mr. Shivraj Kadu, Advocate for the applicants.
Mr. S.G. Sangle, A.G.P. for respondent – State.
Mr. A.B. Kale, Advocate for respondent Nos.1 to 4.

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**CORAM : RAVINDRA V. GHUGE AND
SANDIPKUMAR C. MORE, JJJ.**

DATED : 20th October, 2022.

P.C. :

1. By this application, which is termed as a “Civil Application”, the applicants – original respondent Nos.3 and 4, have prayed for recalling or modifying the order dated 8th June, 2022 passed by us in the Writ Petition. We have directed the applicants to deposit an amount of Rs. 2.5 Crores on or before 30th June, 2022 in view of the fact that the land at issue is submerged in the back waters of Akkalpada Irrigation Project. The reason for filing the review petition in the nature of civil application, in the contention of the applicants, is that the land at issue is out of the submersion area.

2. Heard the learned advocates.

3. When we passed order on 8th June, 2022, we had noticed that the Authority had convened a meeting in the presence of the Hon'ble Cabinet Minister, Water Conservation and Chairperson of the said Tapi Irrigation Development Corporation, on 10th July, 2020. It was taken into account that the land admeasuring 5.73 Hectares in SR No. 32 of 1994 was submerged in the Akkalpada Irrigation Project. In the said meeting, it was assessed that the compensation amount could be around 4.75 Crores. It is, in this backdrop, that we noted that the petitioners earlier had lost their homes as well as major portion of their agricultural lands. They have received compensation for the acquisition of those parcels of land. The writ land is a subject-matter of the contention that it is submerged in the back waters of the Project. Taking into account the minutes of the meeting dated 10th July 2020, that we directed the applicants to deposit only Rs. 2.5 Crores.

4. In view of the above, we do not find that the applicants have made out a case of an apparent error on the face of the order. It is also not denied that a meeting had taken place on 10th July, 2020 as recorded by us in paragraph 2 of the order dated 8th June, 2022.

5. It also needs to be adverted to, that we have not permitted the petitioners to withdraw the amounts after they are deposited. The petition is to be considered and if possible, the same could be considered finally at admission stage.

6. As such, this Civil Application stands rejected.

(SANDIPKUMAR C. MORE, J.)

(RAVINDRA V. GHUGE, J.)