

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

WRIT PETITION NO.6118/2022

Bhagwan Pralhad Khandare and others

...Versus...

The State of Maharashtra, Through its Secretary, Irrigation Department,
Mantralaya Mumbai – 400 032 and others

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

Court's or Judge's orders

Shri R.N. Ghuge, Advocate for petitioners
Shri A.A. Madiwale, AGP for respondents

CORAM : AVINASH G. GHAROTE, J.

DATE : 17/10/2022

1. Shri Madiwale, learned Assistant Government Pleader for the respondents submits that the order dated 08/09/2021 passed in Writ Petition No.2792/2021 along with connected petition covers the issue raised in the present petition.

2. The order dated 08/09/2022 in Writ Petition No.2792/2021 along with connected petition reads as under :-

“Mr. Sirpurkar, the learned AGP very fairly concedes that the matter in issue is covered by the Judgment dated 15/11/2019 as passed by this Court in Writ Petition No.7526/2019 and Writ Petition No. 7517/2019 and the Judgment dated 23/4/2019 in Writ Petition No.1046/2019 and Writ Petition

No.1730/2019. Accepting the statement, the order dated 1/12/2016 in Writ Petition No.2792 of 2021 and order dated 9/11/2016 in Writ Petition No.2601 of 2021 passed by the Respondent No.2 holding that the Petitioner is not entitled to receive compensation under Section 28-A of the Land Acquisition Act is set aside.

2. The Respondent No.2 shall consider the application as made by each Petitioner under Section 28-A of the Land Acquisition Act and pass necessary orders therein, in accordance with law.

3. The benefit under Section 28-A of the said Act shall not be refused only on the ground that rehabilitation, compensation has been received by each Petitioner. Necessary steps be taken by the Respondents in that regard expeditiously.

4. Both the Petitions are accordingly allowed in above terms.”

3. In view of the statement of Shri Madiwale, learned Assistant Government Pleader for the respondents, upon instructions, the present writ petition is disposed of in terms of the above order dated 08/09/2022 in Writ Petition No.2792/2021.

(AVINASH G. GHAROTE, J.)