

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.240 OF 2022
IN
FIRST APPEAL NO. 276 OF 2002

Prabhakar Dhondiba Dhanpalwar

Applicant

Versus

The State Of Maharashtra
Through Its District Collector, Nanded
And Others

Respondents

AND
REVIEW APPLICATION NO. 238 OF 2022
IN
FIRST APPEAL NO. 278 OF 2002
AND
REVIEW APPLICATION NO. 241 OF 2022
IN
FIRST APPEAL NO. 287 OF 2002
AND
REVIEW APPLICATION NO. 239 OF 2022
IN
FIRST APPEAL NO. 288 OF 2002
AND
REVIEW APPLICATION NO. 243 OF 2022
IN
FIRST APPEAL NO. 286 OF 2002

Mr. M.D. Narwadkar, Advocate for the applicant.
Mr. P.G. Borade, AGP for State.
Mr. S.P. Sonpawale, Advocate for respondent No. 3.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 25th AUGUST, 2023

ORDER :

1. These applications are filed seeking review of clause

No. (iii) of judgment dated 01.04.2022, passed by this Court in First Appeal Nos. 276/2002, 278/2002, 286/2002, 287/2002 and 288/2002, which reads thus:-

"(iii) The appellants/claimants in First Appeal Nos. 276/2002, 278/2002, 287/2002, 288/2002 and 286/2002 shall be entitled to get compensation of their acquired land @ Rs. 28,200/- per hectare (Rs. 282/- per R). However, after deducting the amount of compensation paid earlier by Special Land Acquisition Officer."

2. It is the contention of the applicants that Special Land Acquisition Officer had granted compensation at the rate of Rs. 32500/- per hectare in respect of dry land, in all these matters and this Court in clause (iii) has reduced it to Rs. 28200/- per hectare, contrary to the provisions of Section 25 of the Land Acquisition Act, 1894.

3. Section 25 of Land Acquisition Act, 1894, reads thus:

"25. Amount of compensation by court not to be lower than the amount awarded by the Collector- The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11."

4. It is thus clear that, while awarding compensation in

clause (iii), this Court awarded lesser compensation than the compensation awarded by the Special Land Acquisition Officer, contrary to the mandate of Section 25 of the Land Acquisition Act, 1894. Since, legal position is not taken into consideration while deciding the quantum of compensation, said clause is required to be reviewed.

5. In the result, review applications are allowed.

6. Clause (iii) of judgment dated 01.04.2022, shall be substituted as follows:-

"(iii) The appellants/claimants in First Appeal Nos. 276/2002, 278/2002, 287/2002, 288/2002 and 286/2002 shall be entitled to get compensation of their acquired land @ Rs. 32500/- per hectare (Rs. 325/- per R). However, after deducting the amount of compensation paid earlier by Special Land Acquisition Officer."

[NITIN B. SURYAWANSHI, J.]