



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION (CIVIL) NO. 265 OF 2024
IN WP/2923/2022**

The Executive Engineer Minor Irrigation Division, Hingoli
District Hingoli

VERSUS

Datta Sakharam Korde And Others

...

WITH

**REVIEW APPLICATION (CIVIL) NO. 266 OF 2024
IN WP/1198/2023**

The Executive Engineer Minor Irrigation Division, Hingoli
District Hingoli

VERSUS

Bhagwan Kashinath Ghyar and others.

...

WITH

**REVIEW APPLICATION (CIVIL) NO. 267 OF 2024
IN WP/1200/2023**

The Executive Engineer Minor Irrigation Division, Hingoli
District Hingoli

VERSUS

Noorulla Khan Wahidullakhan Pathan and others.

...

WITH

**REVIEW APPLICATION (CIVIL) NO. 269 OF 2024
IN WP/1369/2018**

The Executive Engineer Minor Irrigation Division, Hingoli
District Hingoli

VERSUS

Pandurang s/o Sakharam Korde And Others.

...

WITH
REVIEW APPLICATION (CIVIL) NO. 268 OF 2024
IN WP/1397/2022

The Executive Engineer Minor Irrigation Division, Hingoli
District Hingoli
VERSUS
Sunil Nagorao Jagtap And Others

...
Advocate for Applicant : Mr. S.G. Bhalerao
AGP for Respondents: Mr. V. M. Jaware
Advocate for Respondents : Mr. D. K. Thote for Petitioner
in WP

...

CORAM : Y. G. KHOBRAGADE AND
S. G. CHAPALGAONKAR, JJ.

Dated : December 12, 2024

ORDER :-

1. The applicant/original respondent no.4 seeks review of the order dated 24.9.2024 passed in Writ Petition no. 1198 of 2023 with connected writ petitions.

2. The respondents had approached this Court challenging the award dated 2.1.2017 passed by the Land Acquisition Officer, Hingoli, with further directions to pass fresh award in respect of the acquired land, in terms of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (for short act of 2013) by taking relevant date for

determination of market value as 1.1.2014 i.e. commencement of the Act of 2013. This Court, after considering the affidavit-in-reply tendered by respondents in writ petition and contentions of rival parties disposed of the writ petitions vide order dated 24.9.2024. Consequently, the award passed by the Land Acquisition Officer has been quashed and set aside. The proceeding was restored to the file of the Land Acquisition Officer and directions were given to consider the date of acquisition as 1.1.2014 for purpose of ready reckoner rates and sale instances of 2013 for re-determination of compensation. Eventually, Land Acquisition Officer was directed to re-calculate the amount of compensation and pass an award within a period of 60 days.

3. Mr. Sudhir Bhalerao learned advocate appearing for the review applicant/s submits that respondents/original petitioners had accepted original award dated 7.4.2015 as modified on 2.1.2017. They have received assessed compensation without demur. Therefore, once they accepted amount as per modified award dated 2.1.2017 based on orders of this Court in previous writ petitions, they lost their right to raise challenge to award passed. According to Mr. Bhalerao,

the award dated 7.4.2015 passed by the Land Acquisition Officer was challenged by the petitioners before this Court in writ petition nos.2789 of 2003, 3003 of 2016, 3038 of 2016, 3037 of 2016 and 6761 of 2016, 8960 of 2016 and 8951 of 2016. All those writ petitions were disposed off with directions to apply multiplier factor of “2” and declare the award afresh. Consequently, exercise of passing fresh award was carried and petitioners were also paid compensation. Therefore, subsequent writ petitions challenging the modified award could not have been entertained. According to him, subsequent writ petitions were not maintainable and entertaining it resulted in review of the earlier order.

4. Before we examine merit of submissions, it is apposite to refer to parameters of jurisdiction to entertain the review. In the case of **S. Murali Sundaram Vs. Jothibai Kannan reported in 2023 SC (Civil) 1529**, in paragraph no.5.3 it is observed thus :-

“5.3. In the case of Shanti Conductors (P) Ltd.(AIR online 2019 SC 1931) (supra), it is observed and held that scope of review under [Order 47 Rule 1 CPC](#) read with [Section 114](#) CPC is limited and under the guise of review, the petitioner cannot be permitted to re-agitate and re-argue questions which have already been addressed and decided. It is

further observed that an error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review under [Order 47 Rule 1 CPC](#)".

5. Perusal of the affidavit-in-reply filed in writ petition no.2923 of 2022 on behalf of the review petitioner shows that all similar contentions were raised in paragraph nos.2 to 5. This Court while passing the order dated 24.9.2024 rejected contentions raised in affidavit-in- reply observing that, in view of settled legal position, date for applicability of 2013 Act i.e. 1.1.2024 needs to be considered for the purpose of ready reckoner rates and quantification of award. It is not the case of applicants that contentions sought to be raised in this review application/s were not advanced before the Court during hearing of petitions. Very same contentions are sought to be repeated in review. Apparently, no ground is made out to exercise review jurisdiction of this Court.

6. Admittedly, in this case Land Acquisition proceeding was initiated before commencement of New act, but Award was not passed as on the date of commencement of New Act. Hence, Award needs to be passed as per provisions of the Act of 2013 by applying ready reckoner rates as on

1.1.2014 for purpose of quantification of compensation. The Acquiring body cannot succeed to avoid the payment of compensation in view of the aforesaid legal position.

7. Hence, no good ground is made out for entertaining Review Applications. In the result, Review Applications stand **rejected**.

(S. G. CHAPALGAONKAR, J.)

(Y. G. KHOBRADE, J.)

...

aaa/-