



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

MISC. CIVIL APPLICATION NO.1050 OF 2023
IN
FIRST APPEAL NO.1169 OF 2008

(Pradip Krushnarao Deshmukh Vs. The State of Maharashtra represented thr. the
Collector, Yavatmal and another)

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

Court's or Judge's orders.

Mr. S. M. Thakare, Advocate for Applicant.
Mr. M. A. Kadu, A.G.P. for Respondent Nos.1 & 2/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 8th MARCH, 2024.

By this application, the applicant is seeking review of the judgment and order passed in First Appeal No.1169/2008. As per the contention of the applicant, he is the owner of agricultural land bearing Survey No.3/1 admeasuring area 0.41 R. Mouza Jalka, Taluka Ralegaon, Yavatmal which was acquired by the State Government for Cancal of Majra Project. Vide notification under Section 4 dated 28.12.1995 and award dated 01.06.1997 granted Rs.21,500/- per hectare. The applicant had filed reference application before the trial court which was allowed. Being aggrieved with the judgment and award of the trial court, he preferred the First Appeal No.1169/2008. This Court considered on the judgment of LAC 65/1995 and 99/1995 which was granted Rs.65,000/- per hectare and by calculating three years escalation i.e. 10% per year.

This Court directed the acquiring body to pay the compensation at the rate of Rs.84,500/-.

2. The learned counsel for the applicant submitted that in fact present applicant is entitled to receive the said 10% escalation from the date of issuance of notification under Section 4 which is issued on 28.12.1995 it comes to three years and eight months and therefore, the applicant is also entitled to receive the compensation at the rate of Rs.88,833/- per hectare. He submitted that this is the error apparent on the record which needs to be corrected.

3. The learned AGP has strongly opposed the application. However, admitted the legal position. In view of that review application deserves to be allowed and the operative part as well as para No.17 of the judgment needs to be corrected by observing that the complaint is entitled to receive compensation and collect of Rs.88,833/- from the date of notification i.e. on 28.12.1995 i.e. 02.04.1992 to 28.12.1995. In view of that the operative portion clause 2 is also corrected as the claimant is entitled to receive compensation at the rate of Rs.88,833/- per hectare.

4. In the above terms, review application is allowed. The acquiring body shall deposit the amount of compensation at the rate of Rs.88,833/- per hectare instead of Rs.84,500/- per hectare.

5. The acquiring body shall deposit the amount

within six days in this Court.

6. The application is disposed of.

JUDGE

NSN