



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

WRIT PETITION No.1817 OF 2024

(Uddhav s/o. Janardhan Suralkar Vs. State of Maharashtra, through the Collector,
Buldhana and others)

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

Court's or Judge's orders.

Mr. H.R. Gadhia, Advocate for petitioner.
Ms. T.H. Khan, AGP for respondent Nos.1 to 3.

CORAM : **DEVENDRA KUMAR UPADHYAYA, C.J. &**
NITIN W. SAMBRE, J.

DATE : **APRIL 5, 2024.**

1. Heard learned Counsel for the petitioner and learned Assistant Government Pleader for respondent Nos.1 to 3.

2. In this Writ Petition, a prayer has been made to direct the respondents to correct the land acquisition award dated 8th June, 2020 passed under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as, "Act 2023"). The ground for seeking such a direction is though the respondents appear to have admitted that some mistakes are in the award dated 8th June, 2020, however, the Land Acquisition Officer by means of order dated 6th July, 2020 has stated that under the provisions of the Act 2023, there is no provision for making such corrections.

3. Our attention has been drawn to the application made by the petitioner on 22nd June, 2020 which is immediately after the declaration of the award dated 8th June, 2020, whereby said correction has been sought. Learned counsel for the petitioner also drawn our attention to the order/letter dated 6th July, 2020 issued by the Sub-Divisional Officer (Land Acquisition) Evad Buldhana wherein it is admitted that in joint measurement report, house at Sr.No.86 was found to be in existence, however, while making the award no compensation for the said house has been awarded.

4. Section 33 of the Act 2023 permits the Collector to correct any clerical or arithmetical mistake in the award or even errors arising therein either on his motion or on application of any person interested or the local Authority concerned. Such correction is permissible to be made by the Collector within six months from the date of award or where the Collector is required to make a reference to the Authority under Section 64 of the Act 2023, before such reference is made. In this case, the application seeking correction in the award was made on 22nd June, 2020, which is within a period of two weeks of the date of the award dated 8th June, 2020. Accordingly, in view of the provisions of Section 33 of the Act 2023, the reasons stated in the order dated 6th July, 2020 for refusing to consider the application seeking correction is not tenable.

5. Accordingly, we dispose of the petition with a direction to the Sub-Divisional Officer (Land Acquisition), Evad, Distt. Buldhana to consider the said application made by the petitioner and take appropriate decision thereon within a period of two months from obtaining the certified copy of this order.

6. We make it clear that we have not adjudicated the merits of the claim of the petitioner and accordingly the Sub-Divisional Officer (Land Acquisition) Evad Buldhana shall be at liberty to take decision on the application preferred by the petitioner exercising his authority by determining the merits.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)