IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 15th OF OCTOBER, 2024

MISC. CIVIL CASE No. 1188 of 2024

RAVINDRA

Versus

THE SUB DIVISIONAL OFFICER (REVENUE) CUM LAND ACQUISITION OFFICER AND OTHERS

Appearance:

Shri Pradyumna Kibe, learned counsel for the applicant.

Shri Apoorv Joshi, learned Govt. Advocate appearing on behalf of Advocate General.

Shri Himanshu Joshi, learned counsel for the respondent no.3.

ORDER

1] This Miscellaneous Civil Case has been filed under Chapter II, Rule 10(1) of the Madhya Pradesh High Court Rules, 2008 for rehearing of First Appeal No.68/2023, which has been disposed of by this Court on 21.02.2024.

2] The grievance of the applicant is that vide order dated 21.02.2024, as many as 262 appeals were decided by a common order wherein, the appeals preferred by the respondent no.3/The General Manager, National Thermal Power Corporation Limited Khargone were allowed.

3] Shri Pradyumna Kibe, learned counsel appearing for the applicant has submitted that as the appeal of the applicant was also tagged with the other appeals, it was decided by the same common order, however, the applicant's case stands on a different footing as the applicant had also raised the issues

regarding the valuation of the acquired property, and his case was not confined to the 'factor' which is challenged by the respondent no.3 in other appeals.

4] Counsel for the applicant has also drawn attention of this Court to the written argument filed along with the appeal, and it is submitted that the issue of valuation was also raised before this Court. It is also submitted that even the Reference court has not decided the aforesaid issue, and thus, in the appeal also, the applicant's contention was that the matter may be remanded back to the Reference court, so that the objection regarding the valuation of the property raised by him can be decided.

5] Shri Himanshu Joshi, learned counsel appearing for the respondent no.3 has vehemently opposed the prayer and it is submitted that all the points were raised at the time of the arguments, and thus, no case for interference is made out.

6] In support of his submissions, Shri Himanshu Joshi has relied upon the decision rendered by the Hon'ble Supreme Court in the case of ***Sharda Begam and others vs. Kallu and others*** reported as ***2020 SCC OnLine MP 2419***, and it is submitted that in the garb of review, the matter cannot be re-opened and heard for the second time.

7] Heard. Having considered the rival submissions, and on perusal of the record, as also the earlier order passed by this Court on 21.2.2024, this Court finds force in the submissions as advanced by the counsel for the applicant and is of the considered opinion that this appeal requires rehearing as the issues raised by the applicant were not considered by this Court.

8] So far as the decision relied upon by the counsel for the respondent no.3

is concerned, the same is distinguishable and is of no avail to the respondent no.3.

9] Resultantly, the application stands allowed and the First Appeal No.68/2023 is restored to its original number.

10] Office is directed to list the First Appeal No.68/2023 for hearing afresh in the week commencing 18.11.2024.

11] The M.C.C. stands ***allowed*** and disposed of.

(SUBODH ABHYANKAR)
JUDGE

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