

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

WRIT PETITION NO. 1504 OF 2016

Gunwant S/o Govardhan Kate

...PETITIONER

versus

Union of India through
its Secretary and others

...RESPONDENTS

.....

Mr. A.N. Nagargoje and R.K. Singnapure, Advocates for Petitioner

Mr. S.B. Deshpande, ASG for respondent No. 1

Mr. D.S. Manorkar, Advocate for respondent No. 2

Mr. P.S. Patil, AGP for respondents No.3 to 5

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**CORAM : R.M. BORDE AND
K.K. SONAWANE, JJ.**

DATED : 30th SEPTEMBER, 2016.

Order :-

1. The landed and household properties belonging to the petitioner have been acquired for construction of National Highway No. 211. The petitioner contends that respondent No. 3 has declared the award on 14-01-2015, however, determination of the amount of compensation under the award is in accordance with Land Acquisition Act, 1894 (for short "Act of 1894"). The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter referred to as "Act of 2013") has been in force w.e.f. 01-01-2014. It was necessary for respondent No. 3 to determine the amount of compensation payable to petitioner under Act of 2013. The determination of the amount of compensation is not in accordance with the Act of 2013 as the award declared on 14-01-2015.

2. Learned counsel appearing for respondent No. 2-National Highways Authority of India has presented affidavit-in-reply. In the affidavit, it is stated that Government of India vide ordinance 03-04-2015 made the provisions of Act 2013 applicable w.e.f. 01-01-2015 in respect of acquisition under the National Highways Act, 1956. It is stated that concerned respondent is ready and willing to pay the amount of compensation in accordance with provisions of first schedule of Act of 2013, after re-determination of the amount of compensation by concerned Land Acquisition officer.

3. In this view of the matter, we direct respondent No. 3 to re-determine the amount of compensation payable to the petitioner in accordance with provisions of Act of 2013, as expeditiously as possible, preferably within a period of three months from today. It would also be open for the petitioner to point out any error regarding amount of compensation recorded in the E-Statement annexed to the award already declared on 14-01-2015. It would be open for the concerned Officer to correct it. Respondent No. 2 - Acquiring body shall pay differential amount of compensation to the petitioner within a period of three months from the determination of the same by respondent No. 3.

4. In view of the above, writ petition stands disposed of.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[R.M. BORDE, J.]