

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

WRIT PETITION NO. 1925 OF 2016

Rajesh Radhakisan Zanwar and others ...PETITIONERS

versus

The State of Maharashtra and others ...RESPONDENTS

.....
Mr. B.A. Darak, Advocate for petitioners
Mr. S.P. Sonpawale, AGP for respondent No. 1
Mr. Manorkar, Advocate for respondents 2 and 3
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 29th APRIL, 2016.

Order :-

1. Mr. Darak, learned counsel for petitioner submits that land of the petitioners was acquired as per the provisions of the National Highways Act, 1956. The award was passed on 09-03-2015. Learned counsel for petitioners submits that in view of amendment, if award is passed after 01-01-2015 the compensation is required to be paid as per the provisions of the Right to Fair Compensation and Transparency in land Acquisition Rehabilitation and Resettlement Act, 2013 (For short "Act of 2013").

2. Mr. Manorkar, learned counsel for respondent Nos. 2 and 3 states that respondent Nos. 2 and 3 have filed affidavit and candidly accepted the position to pay compensation in accordance with 1st schedule of the Act of 2013.

3. We have heard learned Assistant Government Pleader also.

4. In the light of that, we pass the following order:-

Respondents- authorities shall re-determine the compensation amount payable to the petitioners in respect of their acquired land and pursuant to which award is passed on 09-03-2015, in accordance with the provisions of Act 2013. The petitioners have already received the amount of compensation under award dated 09-03-2015, said amount be adjusted while calculating the amount of compensation under the Act of 2013. After determination of the difference amount payable to the petitioners, the same shall be paid to the petitioners within a period three months from the date of determination of the compensation. Said exercise shall be done as expeditiously as possible, preferable within a period of three months from the date of order.

5. With these directions, writ petition stands disposed of. No costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK