

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4227 OF 2016

SHAMKUMAR MANOHAR KADAM AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioners : Mr. A.N. Nagargoje
Advocate for respondent No.1 : Mr. S.B. Deshpande, ASG
Advocate for respondent No.2 : Mr. Manorkar

CORAM : S.V. GANGAPURWALA &
K.K. SONAWANE, JJ.

DATE : 20th APRIL, 2016.

PER COURT:

1] Heard. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2] Mr. Nagargoje, learned counsel submits that the award has been passed on 14.1.2015, in respect of the land owned by the petitioners which was acquired under the National highways Act. Learned counsel for the petitioners submits that Section 105 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013 has been amended. Learned counsel submits that by virtue of the said amendment, provisions of the Act of 2013 are made applicable to the acquisition under the National Highways Act as and from 1.1.2015. As such, the compensation to be paid to such acquisition would be computed as per the Act of 2013.

2] We have heard Mr. Nagode and Mr. Manorkar for the National Highways Authority.

3] It is not disputed that the land of the petitioners has been acquired under the National Highways Act and the award is passed on 14.1.2015 as per Section 3(g) of the National Highways Act. On perusal of the award it is manifest that the compensation has not been computed as per the Act of 2013. As the award has been passed after 1.1.2015, compensation even in respect of acquisition under the National Highways Act has to be computed as per the Act of 2013. It is submitted that the amount under the award is already received by the petitioners. Naturally, the amount already paid will have to be adjusted while calculating the difference of the amount of compensation to be paid .

4] In the result, we pass the following order :-

[a] Respondent authority shall re-determine the amount of compensation payable to the petitioners for their respective land acquired vide award dated 14.1.2015. As per the Act of 2013, the amount of difference of the amount shall be paid to the petitioners, after adjusting the amount already paid.

[b] The said exercise would be done expeditiously by the respondents, preferably within six months.

[c] Writ petition is accordingly disposed of. No costs..

[K.K. SONAWANE,J.]

[S.V.GANGAPURWALA,J]

grt/-