

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

WRIT PETITION NO. 4498 OF 2016

Rajaram s/o Nivrutti Jeve
& others

.. PETITIONERS

VERSUS

The Union of India
& others

.. RESPONDENTS

Mr. N.D. Sonavane, advocate for petitioners.

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

Mr. S.B.Joshi, AGP for the State.

Mr. D.S. Manorkar, advocate holding for Mr. M.V. Kini, advocate for respondents 2 and 3.

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CORAM : R.M. BORDE &

SANGITRAO S. PATIL, JJ.

DATE : 17th NOVEMBER, 2016.

PER COURT :

It is not a matter of dispute that the award has been passed in respect of acquired property belonging to the petitioners on 27.10.2014 and the amount of compensation has been deposited in the account of the petitioners in the month of February, 2015. It is also not controverted by respondents that determination of compensation payable to petitioners under the award is in accordance with provisions of Land Acquisition Act, 1894. Petitioners contend that they are entitled to be paid amount of compensation in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In paragraph no. V of the affidavit-in-reply, it is recorded by respondent-acquiring body as below :

V. In reply to the contentions in respect of inequality / difference in amount of compensation and para no. 4, I say and submit that the NHAI vide its communication dated 3rd Feb 2016 informed all the Regional offices and Project Implantation Units of NHAI that the Ministry of Road Transport and Highways vide its letter no. MH-11011/8/2016-1A dated 22/01/2016 informed the NHAI that "Wherever award of compensation under section 3G of NH Act 1956 was declared by Competent Authority Land Acquisition on or before 31/12/2014 but the compensation in respect of majority of land area notified in the relevant 3A notification was not deposited in the accounts of the beneficiaries on or before 31/12/2014, then all the beneficiaries shall be entitled to compensation in accordance with the provisions of the RFCTLARR act 2013." Annexed hereto Exhibit R-3 is the copy of said communication dated 3rd Feb 2016. The answering respondent most humbly submits in accordance with the circular dated 3rd Feb 2016 if award of compensation under section 3G of NH Act 1956 was declared by Competent Authority Land Acquisition on or before 31/12/2014 but the compensation in respect of majority of land area notified in the relevant 3A notification was not deposited in the accounts of the beneficiaries on or before 31/12/2014 then in that event the answering respondent is ready to pay the compensation as per the provisions of RFCTLARR Act 2013 provided that the Competent Authority explain the facts about the deposit of amount in the accounts of beneficiaries. That in view of the explanation given above the further paras are not required to be answered.

2. Learned counsel for respondent – acquiring body admits that acquisition of property is before December 2014 and the amount of compensation has been deposited in the account of petitioner in February 2015 and that they are entitled to claim amount of compensation in accordance with the provisions of the Act of 2013.

3. In this view of the matter, petition can be disposed of by issuing directions to respondent no. 4 to determine the amount of compensation

payable to petitioners in accordance with the provisions of the Act of 2013. Respondent no. 4 shall determine the amount payable to petitioners in terms of provisions of the Act of 2013, as expeditiously as possible preferably within a period of four months from today and, it is accordingly directed. On determination of amount of compensation by respondent no. 4 as directed above, respondents 2 and 3 shall pay differential amount of compensation to petitioners within a period of four months from the date of such determination.

4. With the directions as above, writ petition stands disposed of.

(SANGITRAO S. PATIL)
JUDGE

(R. M. BORDE)
JUDGE

dyb