

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

WRIT PETITION NO. 7596 OF 2016

Vijaykumar Babasaheb Veer

...PETITIONER

versus

Union of India Through
its Secretary and others

...RESPONDENTS

.....

Mr. Ramraje A. Deshmukh, Advocate for Petitioner
Mr. S.B. Deshpande, ASG for respondent No. 1
Mr. D.S. Manorkar, Advocate holding for
Mr. M.N. Kini, Advocate for respondent No. 2
Mr. S.S. Dande, AGP for respondents No. 4

.....

WITH

WRIT PETITION NO. 7598 OF 2016

Rajshree Balaji Veer

...PETITIONER

versus

Union of India Through
its Secretary and others

...RESPONDENTS

.....

Mr. Ramraje A. Deshmukh, Advocate for Petitioner
Mr. S.B. Deshpande, ASG for respondent No. 1
Mr. D.S. Manorkar, Advocate for respondent No. 2
Mr. V.M. Kangne, AGP for respondents No. 4

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

DATED : 30th SEPTEMBER, 2016.

Order :-

1. The lands belonging to the petitioners have been acquired for construction of National Highway No. 211. The petitioners contend that respondent No. 3 has declared the award on 14-01-2015, however, determination of the amount of compensation under 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 petitioners under Act of 2013. The determination of the amount of compensation is not in accordance with the Act of 2013, though the award is 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 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. Respondent - Acquiring body shall pay differential amount of compensation to the petitioners within a period of three months from the determination of the same by respondent No. 3.

4. In view of the above, writ petitions stand disposed of.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[R.M. BORDE, J.]