

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

WRIT PETITION NO. 9523 OF 2016

JAYSHREE ARUN SHERKHANE
VERSUS
THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioner : Mr. A.N. Nagargoje h/f. Mr. D.M. Mane And R K
Shingnapure

Advocate for respondent No.4/State : Mr. S.B. Pulkundwar

Advocate for Union of India : Mr. S.B. Deshpande.

WRIT PETITION NO. 8610 OF 2016

MAHADEO MANIK WANVE AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS.

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Advocate for Petitioner : Mr. A.N. Nagargoje h/f. Mr. D.M. Mane And R K
Shingnapure

Advocate for respondent No.4/State : Mr. S.G. Karlekar.

Advocate for Union of India : Mr. S.B. Deshpande.

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

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WRIT PETITION NO. 8611 OF 2016

SUDAM BAJIRAO WANVE WANVE AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS.

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Advocate for Petitioner : Mr. A.N. Nagargoje h/f. Mr. D.M. Mane And R K
Shingnapure

Advocate for respondent No.4/State : Mr. S.G. Karlekar.

Advocate for Union of India : Mr. S.B. Deshpande.

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

WRIT PETITION NO. 9109 OF 2016

HARIBHAU PRALHAD BARKUL AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS.

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Advocate for Petitioner : Mr. A.N. Nagargoje h/f. Mr. D.M. Mane And R K
Shingnapure

Advocate for respondent No.4/State : Mr. S.G. Karlekar.

Advocate for Union of India : Mr. S.B. Deshpande.

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

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WRIT PETITION NO. 9110 OF 2016

MAHADEO MANIK WANVE AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS.

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Advocate for Petitioner : Mr. A.N. Nagargoje h/f. Mr. D.M. Mane And R K
Shingnapure

Advocate for respondent No.4/State : Mr.

Advocate for Union of India : Mr. S.B. Deshpande.

Advocate for respondent No.2 : Mr. S.G. Manorkar.

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

DATED: 14TH SEPTEMBER, 2016.

ORAL ORDER :

Lands belonging to the respective petitioners have been acquired for the construction of National Highway. It is informed that the respondents have declared the awards in all the matters before December, 2014 and amount of compensation has been disbursed in January and February 2015. While determining the amount of compensation, according to the petitioners, the provisions of The Right

to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as, “the Act of 2013” for sake of brevity) have not been made applicable and the awards have been declared in accordance with the provisions of the Land Acquisition Act of 1894. It is not controverted by the respondents that the determination of the amount of compensation is not in accordance with the Act of 2013. It is specifically averred by the respondents in the affidavit in reply presented on record that the office of the answering respondent is ready to pay the difference of amount of compensation in accordance with the provisions of the Act of 2013.

2] In view of the statement made on oath in the affidavit in reply presented on behalf of the respondents, the substantial grievance made in the petitions stand redressed. The respondents shall determine the amount of compensation in observance of the provisions of the first schedule of the Act of 2013 and shall pay the amount or difference, if any, as expeditiously as possible and preferably within a period of 3 months from today.

3] Counsel for respondents makes a grievance that the petitioners in Writ Petition No. 9109 of 2016 are creating impediment in the acquisition proceedings and creating obstructions in construction of the highway project and some agriculturists have not handed over the possession. Counsel for petitioners, on instructions, states that the

petitioners in respective petitions will not create any impediment and surrendering the possession of property acquired by the respondents and will not create obstruction in the ongoing project commenced by the respondents. In view of the statement made, the grievance raised by the acquiring body stands redressed.

4] Writ petitions accordingly stand disposed of. No costs.

(K.K. SONAWANE, J.)

(R.M. BORDE, J.)

grt/-