

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11582 OF 2016

Ashish s/o Trimbakrao Jadhavar
age 32 years, occ. Legal Practitioner & Agril.,
r/ Ratnapur, Tq.Kallam
Dist. Osmanabad
at present Ganesh Nagar,
Moha Road, Kallam
Tq. Kallam, Dist. Osmanabad

Petitioner

Versus

1. The Union of India
Through its Secretary
Ministry of Road Transport &
Highways, New Delhi
2. The Project Director
Implementation Unit
National Highway Authority of India
Kamgar Chowk, N-2, CIDCO,
Aurangabad.
3. The Deputy Collector,
Land Acquisition (Competent Authority)
Medium Project – 2, Osmanabad.
4. The State of Maharashtra
Through its Principal Secretary
Public Works Department,
Mantralaya, Mumbai 32.

Respondents

Mr. I.D. Maniyar, advocate for the petitioner.
Mr. S.B. Deshpande, ASG for respondent no. 1.
Mr. D.R. Manorkar, advocate for respondent no. 2.
Mr. S.B. Joshi, AGP for respondent nos. 3 and 4.
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CORAM : R.M.BORDE &

K.L. WADANE, JJ.

DATE : 25th APRIL, 2017

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.
3. Petitioner is praying for issuance of directions to respondent no. 3 to determine the amount of compensation in respect of the acquired land in accordance with 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").
4. It is contended that the property belonging to petitioner has been acquired for construction of National Highway by respondents 1 and 2. Respondent no. 3 has declared the award in accordance with the provisions of National Highways Act, 1956, however, the amount of compensation has not been determined in accordance with the Act of 2013 by application of Schedule I. It is not a matter of dispute that the provisions of the Act of 2013 are applicable in respect of computing the amount of compensation determined under the National Highways Act and as such, respondent no. 3 ought to have determined the amount of compensation payable to the petitioner in accordance with the Act of 2013 by application of relevant multiplier in consonance with Schedule I.

5. In the circumstances, writ petition stands disposed of with directions to respondent no. 3 to re-determine the amount of compensation in accordance with the Act of 2013, as expeditiously as possible, preferably within a period of two months from today and, it is accordingly directed. Proceedings for acquisition and the award shall remain unaffected except observance of the directions issued in the instant petition in respect of determination of amount of compensation. On determination of amount of compensation, respondents 1 and 2 shall pay the amount so determined as expeditiously as possible, preferably within a period of two months from the date of such determination.

6. With the directions as above, writ petition stands disposed of. Rule made absolute accordingly. No costs.

(K. L. WADANE)
JUDGE

(R.M.BORDE)
JUDGE