

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

WRIT PETITION NO.11814 OF 2017

**MOHAN DIGAMBARRAO KULKARNI AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS**

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**Advocate for Petitioners : Kulkarni Suvidh S.
AGP for Respondents: Mrs.A.V.Gondhalekar
ASG.Mr.R.B.Bhosale for R.1 and 2.
Advocate for Respondents : D S Manorkar For R/4**

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**CORAM : PRASANNA B. VARALE &
MANGESH S. PATIL,JJ.
DATE : 05/12/2018**

PER COURT :-

The Petition was filed seeking directions to respondent no.2- the Arbitrator and Additional Divisional Commissioner, Aurangabad, to decide Arbitration Application made by the petitioners expeditiously.

2] The submission is that the petitioners by invoking the provisions of National Highway Authority Act, raised their grievances before the Arbitrator in respect of inadequate compensation awarded to them. Post filing the petition it came to the knowledge of the petitioners that now the competent authority to take the appropriate decision is Collector, Osmanabad who would act as the Arbitrator under the Act.

3] The learned counsel for petitioners placed on record certain notifications dated 24/11/2016 as well 14/9/2016, same are taken on record and marked "X" collectively for identification. In view of the fact situation that now a proper redressal forum is available to the petitioners and the forum being empowered, would take appropriate decision in the matter. Needless to state that on hearing the petitioners and within the four corners of the provisions of law, in our opinion, the Petition can be disposed of with the directions to authority concerned viz. the Collector, Osmanabad who would be acting as the Arbitrator to decide the Arbitration Petitions filed by these petitioners as expeditiously as possible. These directions would not cause any prejudice to the respondents. With these directions, Petition is disposed of.

4] In view of the facts situation brought before us even though the Collector, Osmanabad is not made party in the Petition but for this technical difficulty the petitioners may not again wait for a longer period and for that Petition being kept pending in this Court as such to avoid this situation, we are issuing these directions.

(MANGESH S. PATIL,J.)

(PRASANNA B. VARALE,J.)

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