

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

WRIT PETITION NO. 12232 OF 2016

Janabai Tulshirram Rathod .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pradeep Deshmukh, Advocate h/f Shri Y. P. Deshmukh,
Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 3.

Shri D. S. Manorkar, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 15TH OCTOBER, 2018.

FINAL ORDER :

. Mr. Deshmukh, the learned advocate for the petitioner submits that, the guidelines issued by the respondent under Circular dated 31.03.2016 to the extent of clause 29B is unreasonable and does not stand to reason. The petitioner owns entire chunk of land abutting to the highway. The width of which is more than 400 meters. The entire land has to be considered as one chunk of land. It cannot be divided considering the width upto 500 meters, 500 to 1500 meters. The market value of whole land has to be considered.

2. The learned Assistant Government Pleader and Mr. Manorkar, the learned counsel submit that, the State Government has issued circular dated 13th August, 2018, where it has clarified about the rate of the land has to be considered.

3. The award is already passed. The petitioner seeking enhancement of compensation has to approach the arbitrator. The petitioner has already approached the arbitrator. Naturally, the arbitrator will consider the market value of the land as applicable. The arbitrator will consider the whole land of the petitioner for the purpose of compensation keeping in mind the circular dated 13.08.2018.

4. With these observations writ petition is disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 18