

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

WRIT PETITION NO. 13122 OF 2018

Meera Gautam Donge .. Petitioner

Versus

The National Highway Authority of
India and another .. Respondents

Shri H. D. Deshmukh, Advocate for the Petitioner.
Shri Ravi R. Bangar, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.
DATE : 15TH FEBRUARY, 2019.**

FINAL ORDER :

. Mr. Deshmukh, the learned counsel for the petitioner submits that, though the award is passed in respect of acquired land of the petitioner viz plot admeasuring 114 sq. meters out of land gut No. 259 situated at Osmanabad and land is acquired, the compensation amount is not paid.

2. According to Mr. Bangar, the learned advocate for respondent Nos. 1 and 2, the land of the petitioner, in fact is not under acquisition. The communication to that effect is also made and as the land is not under acquisition, the petitioner is not entitled for compensation.

3. It is not disputed by the learned counsel for the respondent that, the land of the petitioner is shown to have been acquired under the award dated 21.03.2017. The respondents are bound to pay amount of compensation as per the award. The award can be corrected as laid down U/Sec. 33 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, unless and until the award is amended, the respondents cannot take stand that the amount of compensation as per the award would not be paid.

4. In the light of the above, the respondents within a period of one month from today may take steps as would be permissible in law for amendment of award and if award is not amended, then the respondents shall pay compensation amount to the petitioner as per the award dated 21.03.2017 within a period of three (03) months from today. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]