

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12069 OF 2018

VITTHAL BABARAO PATANGE AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS

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Advocate for Petitioners :

Mr. Deshmukh Shambhuraje V

Advocate for Respondents No. 1 & 3 :

Ms. Sudha S. Kulthe

Advocate for Respondent No. 2 : Mr. V. T. Sakolkar

AGP for Respondent No. 4 : Mr. P. G. Borade

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 03rd SEPTEMBER, 2019

PER COURT:

1. The petitioners seek payment and calculation of the amount as per the re-enquiry report dated 18.05.2018.

2. We have hear Mr. Deshmukh, learned counsel for the petitioners and the learned counsel for the respondents.

3. The petitioners are in fact seeking

apportionment of the amount as per the re-enquiry report. The award cannot be corrected at this stage. If under re-measurement, the location of every individual petitioners property has undergone some change or is demarketed, they are entitled for compensation in accordance with location of the property. Under the National Highways Act, 1956 the Arbitrator is a competent authority to decide all these aspects. The petitioners seek the amount individually, and even they can claim enhanced compensation amount before the Arbitrator, if they are not satisfied with the quantum of the amount awarded.

4. In view of the above, the petitioners may approach the Arbitrator as contemplated U/Sec. 3G(5) of the National Highways Act, 1956. In the said application, the petitioners may also pray for separate calculation of the compensation amount to the petitioners which can be decided after getting the same from the competent authority. In case, an application is filed by the

petitioners U/Sec. 3G(5) of the National Highways Act, 1956 the authority shall decide the same expeditiously and preferably within a period of six (06) months from the date of filing of the application.

5. Writ Petition stands disposed of accordingly.

No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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