

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13125 OF 2018

Satyawan s/o Bhagwanrao Pawar and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. V.P. Savant, Advocate for Petitioners
Mr. S.B. Pulkundwar, Assistant Government Pleader for
Respondent No.1
Mr. A.B. Dhongade, Advocate for Respondent No. 2
Mr. D.S. Manorkar, Advocate for Respondent No. 3

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 24th APRIL, 2019

ORAL ORDER:

1. Mr. Savant, the learned Counsel for the petitioners submits that the respondents be directed to pay the amount as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short the Act, 2013). The Award is passed on 26th March, 2015. However, compensation is paid as per the provisions of Land Acquisition Act, 1984 in accordance with the National Highways Act.

2. In cases of Awards passed after 1st January, 2015, the compensation is to be computed as per the Act, 2013.

3. It is also submitted that the competent authority has directed the Acquiring Body i.e. the National Highways Authority to deposit the amount as per the Act, 2013.

4. Mr. Manorkar, the learned Counsel submits that he does not have instructions whether the amount is deposited.

5. It is trite that if the Award is passed after 1st January, 2015, the compensation will have to be determined as per the Act, 2013 for the acquisition under the National Highways Act. The respondent No. 3 if it has not deposited the amount as per the Act, 2013, then it shall be deposited within a period of four months from today and same shall be paid to the petitioners immediately.

6. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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