

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

1047 WRIT PETITION NO.690 OF 2018

ASHOK BAJIRAO MALI ..PETITIONER

VERSUS

COMPETENT AUTHORITY AND SPICAL LAND ACQUISITION
OFFICER AND ANOTHER ..RESPONDENTS

**WITH
WRIT PETITION NO.476 OF 2018**

SADASHIV SHANKAR MALI ..PETITIONER

VERSUS

COMPETENT AUTHORITY AND SPICAL LAND ACQUISITION
OFFICER AND ANOTHER ..RESPONDENTS

**WITH
WRIT PETITION NO.2363 OF 2018**

RAGHUNATH S/O BHAGWAN CHAUDHARY & ANR..PETITIONERS

VERSUS

COMPETENT AUTHORITY AND SPICAL LAND ACQUISITION
OFFICER AND ANOTHER ..RESPONDENTS

**WITH
WRIT PETITION NO.2364 OF 2018**

VISHRAM S/O SHIVRAM CHALE ..PETITIONER

VERSUS

COMPETENT AUTHORITY AND SPICAL LAND ACQUISITION
OFFICER AND ANOTHER ..RESPONDENTS

WITH

WRIT PETITION NO.2365 OF 2018

KISHOR S/O NARAYAN PATIL

..PETITIONER

VERSUS

COMPETENT AUTHORITY AND SPICAL LAND ACQUISITION
OFFICER AND ANOTHER

..RESPONDENTS

WITH**WRIT PETITION NO.2366 OF 2018**

NITIN S/O VITHAL CHAUDHARY

..PETITIONER

VERSUS

COMPETENT AUTHORITY AND SPICAL LAND ACQUISITION
OFFICER AND ANOTHER

..RESPONDENTS

...

Mr. Vikran P. Raje, Advocate for the Petitioners.
Mrs. A. V. Gondhalekar, AGP for Respondents-State.
Mr. D. S. Manorkar, Advocate for Respondent No.2 in
all WP.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 18th JANUARY, 2019.

PER COURT:-

1. In all these matters, the petitioners seek directions against the respondent to deposit the compensation amount as per the award of the Arbitrator. Relying on Rule 2 under the National Highway (Manner of Depositing The Amount by the Central Government with the competent authority for acquisition of land) Rules, 1998.

2. Heard learned Counsel for the petitioners and Mr Manorkar, learned Advocate for respondent no.2 .

3. It is submitted that against the award passed by the Arbitrator, the respondent has approached the District Judge under Section 34 of the Arbitration and Conciliation Act 1996.

4. Learned Advocate for respondent no.2 states that in view of the filing of the application under Section 34 of the Arbitration and Conciliation Act, 1996 the respondent no.2 is not required to deposit the amount, as the filing of the application would operate as a stay to the execution.

5. The respondent is bound to comply the provisions of Section 3H (6) of the National Highway Act 1956.

6. In the matters wherein the respondent has not deposited the amount as per the award of the Arbitrator before the competent authority, the respondent shall deposit the amount before the competent authority as per the award passed the Arbitrator within eight (8) weeks from today. The respondent may approach the District Judge for further orders in accordance with law. The petitioners shall also be at liberty to put forth their case with regard to withdraw the amount from

the competent authority/District Judge.

7. The writ petitions are accordingly disposed of. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/January-19