

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6870 OF 2018

Chadrsekhar Basalingappa Barbade & Ors. ... Petitioners
V/s.
The Competent Authority and Deputy
Collector, Land Acquisition officer No.11 & Ors. ... Respondents

**WITH
WRIT PETITION NO. 6871 OF 2018**

Roshanbi Aziz Motiwala & Ors. ... Petitioners
V/s.
The Competent Authority and Deputy
Collector, Land Acquisition officer No.11 & Ors. ... Respondents

**WITH
WRIT PETITION NO. 6872 OF 2018**

Kasimali Mahiboob Shaikh & Ors. ... Petitioners
V/s.
The Competent Authority and Deputy
Collector, Land Acquisition officer No.11 & Ors. ... Respondents

**WITH
WRIT PETITION NO. 6873 OF 2018**

Kasimali Mahiboob Shaikh & Ors. ... Petitioners
V/s.
The Competent Authority and Deputy
Collector, Land Acquisition officer No.11 & Ors. ... Respondents

**WITH
WRIT PETITION NO. 6894 OF 2018**

Nagnath Raynarasu Porandla ... Petitioner
V/s.
The Competent Authority and Deputy
Collector, Land Acquisition officer No.11 & Ors. ... Respondents

Mr. S.P. Sabban for the Petitioners.
Ms. P.N. Diwan, A.G.P. for the State- Respondent Nos.1 and 2.
Mr. Rakesh Singh i/b. M.V. Kini & Co. for Respondent No.3.
Mr. S.S. Kanetkar for Respondent No.4 in WP/6870/2018.
Mr. Sumit Kothari i/b. Ms. Shivani Samel for Respondent Nos.4(a) and 4(f).

CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.
DATE : 14th JANUARY 2019.

P.C.:

1 According to the Petitioner in Writ Petition Nos.6870 of 2018 and 6872 of 2018, some structures raised on the land owned by A.P.M.C. and Respondent No.4(a) to 4(f) respectively, has been acquired (i.e. land together with structure) for purposes of constructing a National Highway. The Petitioners contend that they are the owners of the structures and have received the amount of compensation in that regard under an award declared by the Competent Authority. The Petitioners contend that though they are in receipt of amount of compensation as regard the structures, they have not been paid interest on the amount

determined by the competent authority under the award from the date of declaration of award till the date of payment of amount of compensation. The Petitioners contend that they are entitled to receive the amount of interest in accordance with provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. If that be so, it would be open for Petitioners to tender an Application requesting the competent authority to pay interest on amount of compensation. If the Petitioners tender an application to the competent authority within period of three weeks from today, the Competent Authority shall take decision thereon as expeditiously as possible preferably within period of six weeks from the date of receipt of the application.

2 The another grievance raised by the Petitioners in the instant Petitions is as regards their entitlement to receive the land compensation which they have not received under the award. The Respondent-A.P.M.C. disputes the entitlement of the Petitioners to receive the land compensation. According to the A.P.M.C., the Petitioners are not entitled to receive the compensation in respect of the land whereon the structure have been raised. It would not be necessary for this Court to deal with the

controversy raised by the Petitioners in the instant matter and it would be appropriate for the proper forum to deal with the issue in accordance with provisions of the National Highway Act i.e. Section 3H Sub-section 4 provides that if any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

3 In view of the provision as referred to above, it would be open for the Petitioners to tender an objection application to the competent authority. The Competent Authority after considering the contention of the Petitioners and the interested parties, may take steps as provided under the National Highways Act, 1956. If the Petitioners tender appropriate objection application to the competent authority within period of three weeks from today, the competent Authority shall after considering the contention of the Petitioners and all other interested parties, may take suitable steps and pass appropriate orders within contemplation of National Highways Act, 1956 more particularly Section 3H Sub-section 4, as expeditiously as possible preferably within period of six weeks from the

date of receipt of the application from the Petitioners. In the event, the competent Authority decides to refer the matter for adjudication to the Civil Court, the objection application together with the amount of compensation shall have to be forwarded to the principle seat of original jurisdiction and it is accordingly directed.

4 In view of above, the Writ Petitions are disposed of.

5 The Petitioners in Writ Petition Nos.6871 of 2018 and 6873 of 2018 contend that they are the owners of the structures whereas the Petitioners in Writ Petition No.6894 of 2018 is concerned, is the owner of the land and structures, those are subjected to acquisition for purpose of constructing a National Highway by the National Highway Authority. The Petitioners contend that they have received the amount of compensation determined by the competent authority however, they have not been paid interest on the sum determined under the award, from the date of declaration of the award till the date of making actual payment. The Petitioners claim that they are entitled to the amount of interest on the amount determined by the competent authority towards the compensation in accordance with provisions of the Act of 2013. If that be so, it would be

open for the Petitioners to tender appropriate application to the competent authority for release of the amount of interest. If the Petitioners tender appropriate application setting forth their grievance to the competent authority within period of three weeks from today, the competent authority shall decide the application as expeditiously as possible preferably within period of six weeks from the date of its receipt. If the competent authority holds the Petitioners entitled to receive the amount of interest, the amount shall be paid to them within period of three months from the date of such determination. In the event of refusal by the competent authority to accept the contention of the Petitioners, it would be open for the Petitioners to take appropriate steps as permissible in law.

6 In view of above, Writ Petitions are disposed of.

(V.L. ACHLIYA, J.)

(R.M. BORDE, J.)