

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

20 WRIT PETITION NO. 2877 OF 2020

**BHAUSAHEB BARAKU MOHITE AND OTHERS
VERSUS
THE SECRETARY MINISTRY OF ROAD AND TRANSPORT AND
OTHERS**

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Advocate for Petitioners :

Mr. Patil Raghuvirsingh M.

Advocate for Respondent No. 1 :

Mrs. P. V. Diggikar

AGP for Respondents / State : Mrs. P. V. Diggikar

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 18th FEBRUARY, 2020

PER COURT:

1. The learned counsel for the petitioners submits that the petitioners have approached the Arbitrator for enhancement of compensation amount. The Arbitrator has decided such matters of adjoining land owners. While passing the order in case of adjoining land owners, the Arbitrator has not considered the multiplier, the schedule, the market value and other aspects.

2. The petitioners may raise all the contentions before the Arbitrator. They may also contend about Section 3(J) of the Highways Act, 1956 declared unconstitutional by the Apex Court. The Arbitrator, naturally would consider all the relevant aspects of the matter while deciding the proceedings filed before him by the petitioners.

3. In case, the petitioners are aggrieved by the award passed by the Arbitrator, the petitioners have a remedy U/Sec. 34 of the Arbitration and Conciliation Act, 1996.

4. All contentions are kept open.

5. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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