

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

WRIT PETITION NO. 13999 OF 2019

Sumanbai Kaduba Magare and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Ajit B. Gaikwad (Patil), Advocate for the Petitioners.

Mr. P. S. Patil, Addl. G. P. for Respondents-State.

Mrs. Sudha Kulthe-Chintamani, Advocate for Respondent No. 2.

Mr. Deepak S. Manorkar, Advocate for Respondent No. 4.

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

DATED : 06th MARCH, 2020.

PER COURT :-

. Heard Mr. Gaikwad, learned counsel for the petitioners and Mr. Manorkar, learned counsel for the respondent No. 4.

2. The learned counsel for the petitioners submits that the name of the petitioner No. 6 / Laxmikant Sureshchandra Agrawal be deleted as he does not want to prosecute the writ petition.

3. Leave to delete the petitioner No. 6 as prayed by the learned counsel for the petitioners is granted at the risk of the petitioners.

4. The award was passed under Section 3 (G) of the National Highways Act on 29.06.2017, subsequently for the same acquisition

second award came to passed on 01.08.2017.

5. The contention of the petitioners is that the second award dated 01.08.2017 is null and void. The authority under the Act does not possess the jurisdiction and power to pass the second award.

6. Mr. Manorkar, learned counsel for the respondent No. 4 submits that Section 33 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act of 2013') permits the authority to pass the second award.

7. This Court in a case of *Bhupendrasingh Sardarsingh Parmar Vs. Competent Authority for National Highway* under judgment dated 20.12.2019 and in a case of *Yasminbegum Bakshulla Khan and others Vs. The State of Maharashtra and others* with other connected writ petitions dated 08.11.2019 has held that the authority under the National Highways Act, 1956 does not possess the jurisdiction to pass the second award, nor can exercise the powers under Section 33 of the Act of 2013 interalia the second award for the same acquisition would be illegal .

8. For the reasons recorded in the aforesaid judgment the award dated 01.08.2017 stands quashed and set aside.

9. The respondents can assail the first award as may be permissible under law.

10. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.