

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3423 OF 2020

Harishchandra Venkatrao Birle

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr S.N. Patil, Advocate for Petitioner

Mr. A.R. Kale, AGP for Respondent-State

Mr Amol Patale, Advocate for Respondent Nos. 4 and 6

Mr V.T. Sakolkar, Advocate for Respondent No. 5

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

DATE : 19th MARCH, 2021

PER COURT :

1. Mr Patil, the learned counsel for the petitioner submits that, the guidelines issued by the respondents under Circular dated 31.03.2016 to the extent of clause 29B is unreasonable and does not stand to reason. The petitioner owns entire chunk of land abutting to the highway. The width of which is more than 400 meters. The entire land has to be considered as one chunk of land. It cannot be divided considering the width upto 500 to 1500 meters. The market value of whole land has to be considered.

2. The learned Assistant Government Pleader and Mr. Sakolkar, the learned counsel submits that the State Government has issued circular dated 13th August, 2018, where it has been clarified about the rate of the land to be considered.

3. The award is already passed. The petitioner seeking enhancement of compensation has to approach the arbitrator. The petitioner has already approached the arbitrator. Naturally, the arbitrator will consider the market value of the land as applicable. The arbitrator will consider the land of the petitioner for the purpose of compensation keeping in mind the circular dated 13.08.2018.

4. With these observations writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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