

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

WRIT PETITION NO. 5544 OF 2021

Kalpana Babanrao Madan
and another

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Salunke, Advocate for Petitioners.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1, 4 to 6.

Shri A. V. Patil (Indrale), Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 28TH OCTOBER, 2021.

ORDER :

. Mr. Salunke, the learned counsel for petitioners submits that, out of 88R land of the petitioners 0.70R land is acquired under private negotiations and execution of sale deed. The dispute is about 0.18R for which award has not been passed. The learned counsel submits that, after earlier writ petition was withdrawn measurement has taken place. In the measurement constructed portion and all other appurtenances are shown. The valuation has been made, however, the respondents are denying to make the payment.

2. The learned counsel for the respondent submits that, the respondents have denied any existence of structure.

Measurement relied by the petitioners is not proper measurement. The petitioners have remedy U/Sec. 19-B(8) of the Maharashtra Highways Act to claim enhanced amount of compensation.

3. It appears that, the facts averred by the petitioners are disputed by the respondent/highways authority. In view of that, the petitioners would have remedy U/Sec. 19-B(8) of the Maharashtra Highways Act as contended by the learned counsel for the respondent. The petitioners may avail the alternate remedy before the arbitrator. In that event all contentions are kept open.

4. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct.21