

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

WRIT PETITION NO. 6673 OF 2021

Kesharsingh Shivilal Gusinge
and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Deepak S. Manorkar, Advocate for Petitioners.
Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1, 2 and 4.
Shri S. V. Adwant, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.
DATE : 04TH AUGUST, 2021.**

FINAL ORDER :

. We have heard Mr. Manorkar, the learned advocate for petitioners, Mr. Adwant, the learned advocate for the respondent No. 3 and the learned Assistant Government Pleader for respondents/State.

2. Mr. Manorkar, the learned advocate submits that, the dispute is about appurtenances upon the land and width of the road. Mr. Adwant, the learned counsel submits that, entire procedure under the Maharashtra Highways Act has been adhered too and the award has been passed. The petitioners, if, so desire have a remedy before the arbitrator.

3. It is also brought on record that, the petitioners had

approached the respondent No. 3. The respondent No. 3 had referred the grievance of the petitioners to the District Committee as constituted under the notification issued by the State. The District Committee opined that, three of the petitioners i. e. petitioner Nos. 7, 8 and 11 have given up their claims and the petitioner Nos. 1, 4 and 6 are found to be entitled for 25% more amount of compensation.

4. The joint measurement has been done before the award is passed. According to petitioners, it is behind their back. In writ jurisdiction, we may not enter into the rigmarole of the disputed questions. Considering the fact that, the matter is with regard to the compensation for the lands acquired, we grant one more opportunity to the petitioners to approach the District Committee as constituted and put forth their cause. The District Committee shall consider the grievances/claims of the petitioners and take decision upon it, in accordance with law and rules, expeditiously and preferably within a period of one (01) month from the date of appearance of the petitioners.

5. Depending upon the decision taken by the District Committee as constituted under the notification by the State, the parties may take appropriate steps as may be permissible under law. The Committee may consider the grievances and earlier proceedings while taking the decision. The claims earlier decided by the Committee, certainly would be one of the ground which the Committee would consider.

6. Mr. Manorkar, the learned counsel submits that, even as per the award, the compensation amount is not paid to the petitioners. Mr. Adwant, the learned counsel on instructions submits that, the amount is deposited with the competent authority. The petitioners may withdraw the amount.

7. In the light of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 21