

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

75 WRIT PETITION NO.7450 OF 2021

**DEVANAND NARAYANI KOTGIRE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners: Mr. Kadam Vishant P.
AGP for Respondents No. 1&2: Mrs. M. A. Deshpande
Advocate for Respondents No. 3&4:
Mr. D. S. Manorkar

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

DATE: 27th SEPTEMBER, 2021

PER COURT:

1. Mr. Kadam, learned Advocate for the petitioners submits that the land of the petitioners was acquired. The award was passed on 28.05.2020. Subsequently, on or about 01.03.2021 second award is passed in respect of the same property and the same acquisition proceedings. According to the learned Advocate, the second award is not permissible under the statute. The land appears to have been acquired under the provisions of the National Highways Act, 1956.

2. We have heard Mr. Manorkar, learned Advocate for the respondent. The learned Advocate submits that, initially provisional award was passed on 28.05.2020. The defects were noticed in the

said award in respect of the market value of the lands and the acquisition. The objections were communicated to respondent no. 3 and thereafter the award dated 28.05.2020 was corrected and thereafter award was passed on 01.03.2021.

3. We have under our Judgment and Order dated 08.11.2019 in Writ Petition No. 1883 of 2018 with connected writ petitions held that the respondent authority does not possess jurisdiction to pass second award. In the present matter, the second award is passed almost after 9 / 10 months.

4. For the reasons recorded in the Judgment and Order dated 08.11.2019 in Writ Petition No. 1883 of 2018 with connected writ petitions, second award dated 01.03.2021 is quashed and set aside. Needless to state, the parties are entitled to take steps with regard to the award dated 28.05.2020 in accordance with law. In that event, all contentions of the parties are kept open.

5. Writ Petition is accordingly allowed in above terms. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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