

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

1035 WRIT PETITION NO. 7975 OF 2021

Gausiyabi Faiyaz Khan Patel
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. N. E. Deshmukh, Advocate for the Petitioners.
Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 and 2.
Mr. D. S. Manorkar, Advocate for Respondent Nos. 3 and 4.

1036 WRIT PETITION NO. 7976 OF 2021

Yasminbegum Bakshulla Khan
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. N. E. Deshmukh, Advocate for the Petitioners.
Mr. S. P. Tiwari, AGP for Respondent Nos. 1 and 2.
Mr. D. S. Manorkar, Advocate for Respondent Nos. 3 and 4.

1037 WRIT PETITION NO. 7977 OF 2021

Shaikh Ashfaq Shaikh Yasin
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. N. E. Deshmukh, Advocate for the Petitioners.
Mrs. V. N. Patil-Jadhav, AGP for Respondent Nos. 1 and 2.
Mr. D. S. Manorkar, Advocate for Respondent Nos. 3 and 4.

1038 WRIT PETITION NO. 8005 OF 2021

Dr. Ulhas Dattatray Shiurkar
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. N. E. Deshmukh, Advocate for the Petitioners.

Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 and 2.

Mr. D. S. Manorkar, Advocate for Respondent Nos. 3 and 4.

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

DATED : 10th AUGUST, 2021.

PER COURT:-

. We have heard Mr. Deshmukh, learned counsel for the petitioners, the learned A.G.P. for respondent Nos. 1 and 2 and Mr. Manorkar, learned counsel for the respondent Nos. 3 and 4.

2. Mr. Deshmukh, learned counsel submits that the award has been passed in favour of the petitioners under the National Highways Act. The respondents have not paid the amount of compensation as per the award. The award is passed in the year 2017.

3. Mr. Manorkar, learned counsel submits that after the first award was passed in June 2017, the second award is passed on 01.08.2017. The amount of compensation as per the award dated 01.08.2017 is disbursed to the petitioners. Subsequently, the said award is set aside

on the ground that there is no provision to pass subsequent award. The highway authority challenged the award of June 2017 before the Arbitrator and the same is pending.

4. In the present matter, we are not required to consider the merits of the contentions of the parties. The second award pursuant to which the payment of compensation is made to the petitioners is set aside by this Court. In the second award, the amount of compensation was drastically reduced.

5. According to the petitioners, the award of June 2017 is subject matter of consideration before the Arbitrator. Naturally, the parties would be bound by the decision of the Arbitrator and further proceedings pursuant to the decision of the Arbitrator.

6. Mr. Manorkar, learned counsel submits that the respondents have deposited the amount before the competent authority as per the award of June 2017. Some amount is already paid to the petitioners as per the award dated 01.08.2017.

7. The interest of justice would be sub served by passing the following order.

8. The competent authority may allow the petitioners to withdraw

the 50% of the amount deposited by the highway authority. The petitioners shall file undertaking before the highway authority that in case, the arbitration award is passed in favour of the highway authority and the petitioners are required to pay back the amount with highway authority they would do it within a period of one (01) month.

9. With the aforesaid observations and directions, writ petitions stand disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.