

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3426 OF 2022

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Bhiku Dhondiba Aadling

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. P. C. Chavan for the Petitioner
Mr. S. S. Panchpor, AGP for the State

**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : MARCH 25, 2022

P.C.

1 The Award has been passed under the provisions of the National Highways Act, 1956 (hereinafter referred to as the “**Highways Act**”).

2 The grievance of the Petitioner is that evaluation of the structures appurtenant to the land acquired was not properly done. Directions were given for re-evaluation of the structures. Same is not yet done. The Petitioner has filed representation. No decision has been taken as yet.

3 In the writ jurisdiction, we cannot determine the valuation of the structures. If according to the Petitioner, the evaluation of the structures is not done properly, the Petitioner has a remedy to seek enhancement before the Arbitrator.

4 It appears that, initially, the directions were issued by the Competent Authority for re-evaluation of the structures in the acquired land under the communication dated 14th June 2021. The Petitioner has again given the representation on or about 8th March 2022. Same is not yet decided.

5 We have heard the learned AGP.

6 To determine the evaluation of the structures or the land is a job of the Experts and the Authorities concerned dealing with the acquisition of the land. This Court, in exercise of its writ jurisdiction under Article 226 of the Constitution of India would not embark upon such investigation. If the evaluation is made while passing the Award and the Petitioner is not satisfied with the amount awarded, then in that case, he can approach the Arbitrator for enhancement

of the compensation which aspect can be considered by the Arbitrator on the basis of the evidence available.

7 As the representation is given and there are some directions given for re-evaluation, the Authority concerned may take decision upon the representation of the Petitioner dated 8th March 2022 (Page 119 of the Petition) on its own merits and in accordance with law and the policy and the Authority is certainly entitled to take decision whether the re-evaluation is necessary. The said decision be taken preferably within six weeks from today.

8 The Writ Petition is accordingly disposed of. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)