

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 5421 OF 2021

RAJENDRA S/O VITTHAL AKHADE
VERSUS
THE UNION OF INDIA AND OTHERS

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Advocate for Petitioner : Mr. Ashok D. Raut
Advocate for Respondent Nos. 1, 5 and 6 : Mr. Ravi r. Bangar
AGP for Respondent-State : Mr. S. B. Pulkundwar

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**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 23 MARCH 2023

PER COURT :-

1. Out of the 1 H. 55 R. land in gat no. 72/1 of the petitioner, the land to the extent of 4620 square meters was acquired and an award to that effect was passed by the competent authority.

2. It is the case of the petitioner that the award is not complied with by depositing or permitting the petitioner to withdraw the said amount, but for the amount to the extent of 1800 square meters. He is not disputing that the entire land to the extent of 4620 square meters out of gat no. 72/1 is acquired and vested in the respondent National Highway Authority. He is also not disputing that out of the aforesaid area, the land to the extent of 1800 square meters, for

which the compensation is paid to his brother, is not out of the aforesaid 4620 square meters of land.

3. In Writ Petition No. 2806 of 2018, this Court vide order dated 19.12.2019 has already recorded that the respondent has deposited total amount of compensation of Rs.81,59,951/- out of which, after adjustments of tax and other dues, the petitioner was paid an amount of Rs.22,60,482/-.

4. The grievance of the petitioner is that balance amount out of the substantial amount deposited is not released in his favour in spite of there being order dated 19.12.2019 referred supra.

5. If the aforesaid contentions are appreciated in the light of the order dated 09.12.2019, this Court has already permitted the petitioner to go for execution under the provisions of the Arbitration and Conciliation Act. Keeping such statutory right conferred on the petitioner intact, we do not see any reason to cause interference in the discretionary jurisdiction.

6. In case if the execution of the award passed by the Arbitrator is sought, the same be decided expeditiously.

7. The petition stands disposed off.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE, J.]

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