

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

27 WRIT PETITION NO.9503 OF 2023

**BAPURAO AVADHUT BADGUJAR AND OTHERS
VERSUS
THE GOVERNMENT OF INDIA AND OTHERS**

AND

28 WRIT PETITION NO.9559 OF 2023

**SANJAY MULCHAND KATARIYA
VERSUS
THE GOVERNMENT OF INDIA AND OTHERS**

AND

37 WRIT PETITION NO.9583 OF 2023

**SANJAY SUPDU CHAUDHARI POWER OF ATTORNEY
RAVINDRA SUPDU CHAUDHARI AND OTHERS
VERSUS
THE COMPETENT AUTHORITY AND SPECIAL LAND ACQUISITION OFFICER
NATIONAL HIGHWAY NO 6 AND OTHERS**

AND

67 WRIT PETITION NO.9698 OF 2023

**MANISHA SANJAY MODI
VERSUS
THE GOVERNMENT OF INDIA AND OTHERS**

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Advocate for Petitioners : Ms. Kale Sakshi Ajit
Standing Counsel for UOI / Respondents : Mr. B.M. Dhanure
Advocate for Respondents / NHAI : Mr. S.P. Urgunde

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**
DATE : 7th August, 2023

PC. :-

1. The learned Advocate Shri. Urgunde is on the Panel of the National Highway Authority of India and, hence, we called upon him to cause his appearance on behalf of Respondent Nos.2 to 4.

2. In all these petitions, the Petitioners have received their Award amounts in their respective cases. In particular, clause 6 of the Award indicates that, they would be at liberty to claim statutory benefits under the Land Acquisition Act, 1894 after the issue is decided by the Hon'ble Supreme Court. Subsequently, the Hon'ble Supreme Court has delivered its judgment in **Union of India and another Vs. Tarsem Singh and others, (2019) 9 SCC 304.**

3. The grievance of the Petitioners is, that they have approached Respondent No.5 through their applications in the light of the above. However, since December 2019/March 2023, these applications are pending without any decision by Respondent No.5.

4. The learned A.G.P. submits that, Respondent No.5 may not have the jurisdiction to deal with these applications and the Petitioners may have to approach the Executing Court.

5. We are of the view that, if the District Collector can express an opinion/decision on the pending applications, it would facilitate the Petitioners to avail of a remedy, as may be permissible in law and/or may challenge the decision of Respondent No.5, if they are of the view that the said decision is not sustainable.

6. In view of the above, **these petitions are disposed off**, with a direction to Respondent No.5 to take a decision on the pending applications of the Petitioners.

7. We make it clear that we have not expressed any view as regards the jurisdiction of Respondent No.5. What we desire is, that Respondent No.5 would consider the law applicable and take a decision on these applications, leaving it to the Petitioners, thereafter, to adopt a course, as may be advised. Let such decision be pronounced by the District Collector within 60 days.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]