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

17 WRIT PETITION NO.8189 OF 2023

SOPAN GUNA BARHATE AND OTHERS
VERSUS
THE COMPETENT AUTHORITY AND SPECIAL LAND
ACQUISITION OFFICER AND OTHERS

AND

22 WRIT PETITION NO.8211 OF 2023

PRAVIN PRABHAKAR CHAUDHARI AND OTHERS
VERSUS
THE COMPETENT AUTHORITY AND SPECIAL LAND
ACQUISITION OFFICER AND OTHERS

AND

49 WRIT PETITION NO.8359 OF 2023

DR. CHANDRAKANT BALIRAM CHAUDHARI AND
OTHERS
VERSUS
THE COMPETENT AUTHORITY AND SPECIAL LAND
ACQUISITION OFFICER AND OTHERS

AND

63 WRIT PETITION NO.8378 OF 2023

NEMCHAND NARAYAN PATIL
VERSUS
THE COMPETENT AUTHORITY AND SPECIAL LAND
ACQUISITION OFFICER NATIONAL HIGHWAY

AND

65 WRIT PETITION NO.8381 OF 2023

AVTARSINGH SUBEGSINGH DHILLAN AND OTHERS
VERSUS
THE COMPETENT AUTHORITY AND SPECIAL LAND
ACQUISITION OFFICER AND OTHERS

(2)

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Ms Sakshi A. Kale, Advocate for Petitioners;

Mr B. M. Dhanure, Advocate for Respondent No.1 in W.P.

Nos.8189/2023 & 8359/2023

Ms Nikita Gore, Advocate for Respondent No.1 in W.P.

Nos.8359/2023, 8378/2023 & 8381/2023

Mr S. B. Yawalkar, Mr V. M. Kagne, Mr P. K. Lakhotiya, A.G.Ps.
for Respondent No.5/State

Mr S. P. Urgunde, Advocate for Respondent Nos.2 to 4

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 17th July, 2023

PER COURT:

1. The learned Advocate Shri. Urgunde is on the Panel of 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)

3. The grievance of the Petitioners is, that they have approached Respondent No.5 through their individual applications in the light of the above. However, since December 2019, 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 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 all 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.

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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.)

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