

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

WRIT PETITION NO.10206 OF 2023

**NANARAO VYANKATRAO WADADARE
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND OTHERS**

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Mr. D.S. Mali, Advocate for Petitioner

Mr. B. M. Dhanure, Advocate for Respondent Nos. 1 and 3

Ms Siddhi Kothari, Advocate h/f Mr. S. S. Ladda, Advocate for
Respondent No.2

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 25.08.2023

PER COURT :-

1. We have heard the learned Advocates for the respective sides. The Petitioner is labouring under the impression that his land has not been affected by the National Highway old No.9 which is converted into new National Highway No.65. On a re-measurement of the land, it is revealed that his land is not affected. Now, this does not satisfy the Petitioner, since he has a change of mind. He submits that he was confused that his land is not affected. Now he contends that his land is affected.

2. The award in the acquisition proceedings is dated 31.08.2013 indicating that 0.27 R land of the Petitioner has been affected by the project. The Arbitrator has delivered the award on 21.07.2023. The Petitioner is aggrieved that there has been no enhancement, inasmuch as, the award amount is not paid.

3. The Petitioner has the remedy of seeking execution of the arbitration award under Section 36 of the Conciliation and Arbitration Act and all issues can be considered in the light of Section 47 of the Code of Civil Procedure. Moreover, if the Petitioner desires enhancement, he will have to move the appropriate proceedings for the said purpose.

4. Keeping all the above options open, **this petition is disposed off**. All contentions are kept open.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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