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

906 WRIT PETITION NO.10334 OF 2023

**HEMANT BRIJRAJ LALWANI
VERSUS
THE GOVERNMENT OF INDIA AND OTHERS**

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Mr A. B. Kale, Advocate for Petitioner

Mr D. R. Kale, G.P. for Respondent Nos.2 & 3

Ms Nikita N. Gore, Standing Counsel for Respondent No.4

Mr D. S. Manorkar, Advocate for Respondent No.5

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

DATE : 30th August, 2023

PER COURT:

1. Respondent No.4 has filed an affidavit-in-reply dated 28/08/2023, along with annexures.

2. The only relief sought by the Petitioner is that the Supplementary Award dated 13/06/2023 be finalized and the Petitioner be paid the compensation in accordance with the Supplementary Award.

3. We have perused the order passed by the Co-ordinate Bench of this Court, dated 15/02/2023, in Writ Petition

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No.15562/2019, filed by the present Petitioner, more particularly, paragraph Nos.15 and 16, which read as under :-

“15. True it is that in view of the decision in the matter of Bhupendrasingh Parmar (supra), the respondent No. 4-Competent Authority would not have the power and jurisdiction to review/modify/revise the award. But when admittedly, as mentioned in the award the compensation to the extent of the land Gat No. 187/2 has not at all been determined, the respondent No. 4 which is a competent authority under the National Highways Act can certainly be directed to pass a suitable supplementary award to that extent which will not run afoul to the decision in the matter of Bhupendrasingh Parmar (supra).

16. We allow the writ petition and direct the respondent No. 4-Competent Authority to pass appropriate award in the light of the above observations to the extent of portion admeasuring 2000 square meters from land Gat No. 187/2 situated at Parola Dist. Jalgaon, as expeditiously as possible and in any event within four months.”

4. We have perused the communication from the National Highway Authority of India (NHAI) to the Petitioner, dated 26/06/2023, stating therein that, they have received the Supplementary Award and steps are being taken with regard to granting sanction to the same. This Writ Petition has been filed on 01/08/2023, seeking a Writ of Mandamus.

5. The Writ of Mandamus is to be exercised when any statutory authority, duly vested with the jurisdiction, refuses to

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exercise jurisdiction vested in it by law. To draw a conclusion that the authority is not exercising its jurisdiction, some time has to be granted to the said authority and it has to be demonstrated to this Court that circumstances indicate deliberate delay and refusal to exercise the jurisdiction. We do not find any such factor in this petition, since the concerned authority has already informed the Petitioner that steps for finalization are being taken.

6. The learned Advocate representing NHAI submits that, the said Authority intends to challenge the Supplementary Award. We would not like to go into this aspect, since it is not an issue addressed to the Court.

7. In view of the above, **this petition is disposed off.** Needless to state that, the Authorities, who are bestowed with the jurisdiction to finalize the Award, shall initiate the steps, as early as possible and preferably within a period of 75 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk