

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

WRIT PETITION NO.10541 OF 2023

**SAROJ HASAN PATHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS CHIEF ENGINEER AND OTHERS**

...
Advocate for Petitioners : Mr. Shaikh Tarek Mobin H.
GP for Respondents/State : Mr. D.R. Kale
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.
DATE : 23rd August, 2023**

PC. :-

1. The learned advocate for the Petitioners has expressed extreme urgency at 2.30 p.m. and has sought urgent circulation. The matter is taken on the production board.
2. Since a heavy brief is being conducted in this Court at 3.00 p.m. on the dates fixed and the learned senior advocates travel from Bombay to address the Court, this matter was called out at 6.00 p.m.
3. The Petitioners claim to be shop owners at village Tisgaon, Tq. Pathardi, Dist. Ahmednagar for several years. Their shops are on such location which was proposed to be acquired for National Highway No.222 i.e. Kalyan –

Ahmednagar – Pathardi – Nirmal by the acquiring body. Notice under Section 3A of the National Highways Act was published by Respondent No.3 on 01.12.2018. Notice under Section 3D was published on 02.12.2019. The Petitioners filed their objections to the notice of acquisition on 21.12.2019. On 30.06.2020, Respondent No.3 passed the award. One of the Petitioner's applied for the copy of the award on 01.10.2021. The award dated 30.06.2020 is placed on record and the Petitioners lands inclusive of the shops are covered by the award and compensation amounts have been quantified.

4. Having perused the award, we find that the individual objections raised by these petitioners have been dealt with, namewise, objectionwise in Annexure-2(A), annexed to the award. After considering their objections, the award has been delivered. A total sum of Rs. 1,18,93,903/- would be disbursed amongst the land losers including the Petitioners. The grievance of the Petitioners is that award amount is still not disbursed. The award amounts are not to their satisfaction. They also prayed for the interest component from the date of the award. The amounts payable to the Petitioners have also been worked out.

5. In so far as the dissatisfaction of the Petitioners with regard to the quantum of the amounts of compensation, the Petitioners have a statutory remedy of seeking enhancement of the said amount. The High Court cannot

take up this issue and decide whether the amount of compensation is justifiable or not.

6. In view of the above, we do not find that this is a case wherein this Court could issue injunction and stall a public project. At best this Court can direct the authorities to ensure that the award amounts are paid to the Petitioners expeditiously along with all others. So also, whether the award amounts are paid or not, would not be an impediment for the Petitioners to raise a grievance as regards the insufficiency of the quantum.

7. By keeping all these contentions open, **this petition is disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]