



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1982 OF 2024

GANESH BABASAHEB PALVE

VERSUS

UNION OF INDIA THROUGH ITS SECRETARY, MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS

Mr. S. B. Tarde, Advocate for the Petitioner

Mr. A. N. Patale, Advocate for Respondent Nos. 1 and 3

Mr. V. M. Kagne, AGP for Respondent No.2

Mr. S. P. Urgunde, Advocate for Respondent No.4.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 18th MARCH, 2024

PER COURT :-

1. Heard the learned Advocates for the respective sides.

Perused the Petition paper book with their assistance.

2. Respondent No.4 has stated in paragraph Nos.4 and 5 in the affidavit-in-reply, as under:

"04. I say and submits that, after the notification Under Section 3-A was published on 01.11.2021. The notification under Section 3-D was published on 31.10.2022 and thereafter as per the Section 3-G(1) of National Highway Act the award came to be passed on 31.03.2023. As such the amount of award is approved by the Regional Officer and then the CALA is required to demand the amount of award on BhoomiRashi Portal by uploading account details of the individual beneficiary of award. Then the amount is transferred from the central account of MoRTH to the account of concerned land

owner.

05. I say and submit that, in the present case the award has been passed not only in the name of present petitioner i.e. Ganesh Babasaheb Palve but also in the name of Sampat Babasaheb Palve, Rupali Sainath Gittee and Jyoti Mahendra Bodke. As such the amount cannot be disbars only in the favour of present petitioner. I further say and submit that, as stated earlier Para, the CALA i.e. Respondent No.3 required to demand the amount of award on BoomiRashi Portal by uploading the account details of all beneficiaries, the amount will be credited to the beneficiaries account. However without following procedure provided under the Act, the present deponent unable to pay the amount of compensation of acquired land of the petitioner and others. Let the CALA will follow the procedure, the answering deponent will pay the awarded amount of compensation.”

3. We have perused the communication dated 18th January, 2024 issued by the office of the District Collector, Ahmednagar under the signature of Smt. Pallavi Nirmal, Dy. Collector, Land Acquisition No.1, Ahmednagar. The contents of the letter surprise us. The authority issuing the said letter is the Competent Authority under the Land Acquisition Act. She has addressed the Petitioner stating that the compensation has to be paid. Notices have been issued under Section 3G(1) and (2), 3H(2) and (3) and 3E (1) and (2), on 14th July, 2023. She further states that Vaishali Babasaheb Palve, Ganesh Babasaheb Palve, Sampat Babasaheb Palve, Rupali Sainath Gite, Jyoti Mahendra Bodkhe are to receive the amount of Rs. 13,76,403/-. It is further stated that there is no money in the coffers and, therefore, the amount cannot disbursed. The money has

been demanded from the National Highway Authority of India and it is yet to be received.

4. In view of the above, **this Writ Petition is disposed off** with a direction to the NHAI to ensure that the funds are provided to the CALA within a period of 30 days. Needless to state, the CALA shall immediately initiate steps as prescribed in law as per the procedure, so as to enable Respondent No.4 to deposit the funds with CALA within 30 days. After the amount is deposited and if there is no legal impediment amongst the claimants to whom the amount has to be apportioned, the disbursement of the above amount shall take place within a further period of 30 days.

4. Needless to state, the statutory interest as is payable to the land loser, would be calculated and added to the entire component of compensation.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp