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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 WRIT PETITION NO. 9462 OF 2024

SANJAY SUKHDEV BHAGAT

VERSUS

THE UNION OF INDIA THROUGH IT'S SECRETARY AND OTHERS

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

Mr.S.K.Tambe, AGP for the Respondent/State.

Mr.R.B.Bhosale, Standing Counsel for Respondent Nos. 1 and 3.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : SEPTEMBER 3, 2024

PER COURT :

1. Heard the learned Advocates for the respective sides, at length. Perused the Petition paper book with their assistance.

2. NHAI has already challenged the award before the Arbitrator. Because the NHAI has not deposited the amount, the Petitioner has already moved an application seeking direction that the amount should be deposited. The said application is pending hearing and orders. Yet, this Petition has been filed seeking a Writ Petition of Mandamus to the NHAI to deposit the compensation amount before the Arbitrator.

3. When the award is challenged and when the Petitioner has already moved an application seeking deposit of the statutory amount, there was no reason for the Petitioner to prefer this Petition. This is an abuse of the process of Law. We could have imposed costs on the Petitioner. However, the learned Advocate for the Petitioner prays that costs may not be imposed.

4. In view of the above, **this Writ Petition is dismissed.**

5. After the above order was passed, an acrid comment is made by the learned Advocate for the Petitioner. Then the learned Advocate tendered an apology. Apology is accepted.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)