

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11407 OF 2024

Nagnath Porandla

... Petitioner

Versus

The State of Maharashtra & Ors

... Respondents

Dr. Ramdas Subban a/w Pravin Sabban, Shrikant Kompelli and
Arundhati Sabban for the Petitioner.

Mr. Kedar Dighe Addl. G. P. a/w Ms. S. S. Bhande AGP for State.

Mr. S. S. Varma i/b Mr. Sagaar Ladda for Respondent No.4.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 11 OCTOBER 2024

P.C.

1. This petition filed under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs:

“(a) This Hon'ble High Court may be pleased to issue a Writ of
Mandamus or any other appropriate Writ, direction or order
thereby to quash and set aside the impugned letter dt.19-06-
2024 (annexed hereto as Exhibit-E) issued by the Respondent
Competent Authority;

(b) This Hon'ble Court may be pleased to issue a Writ of
Mandamus or any other appropriate Writ, direction or order,
directing the Respondents to pass the Sec.3 G -N.H. Act, 1956-
Amended/Supplementary/ Revised Compensation Order/
Award thereby to grant to the petitioners the 100% Solatium on
the land/Building values already granted in the said earlier Sec.3
G Compensation Order dt. 24-04-2015 with the Applicable
Multiplier Factor -1 for urban areas thereon as provided u/S.

30(1) & the First Schedule of the RFCTLARR Act, 2013, and thereon additionally to grant the 12% p.a. component interest u/s 30(3) from the date of Sec.3 A Preliminary notification dated 29.08.2013 till the date of said Amended/ Supplementary/Revised Sec.3 G Compensation Order, by deducting therefrom the said compensation amounts that are already granted/paid to the petitioner landholders under the said impugned Sec.3 G Compensation Order/Award dt.24- 04- 2015;”

2. The prayer of the petitioner is therefore for enhancement of compensation. Ms. Bhende, learned AGP has drawn our attention to Section 3-G(5) of the National Highways Act, 1956 that there is a forum which is provided to the petitioner, in the event, the petitioner is aggrieved by the amount of award compensation.

3. Be that as it may, having perused the representation dated 19 June 2024 made by the petitioner to the competent authority for NHAI seeking enhanced compensation, Mr. Sabban has fairly stated that there are mistakes and a correct picture has not been placed before the concerned authority in regard to petitioner’s claim for enhancement. In this view of the matter Mr. Sabban seeks leave of this Court to withdraw this petition with liberty to raise all contentions by making a proper application.

4. We, accordingly, permit the petitioner to withdraw the petition with liberty to make a proper application and espouse all remedies as may be permissible to the petitioner in law.

5. All contentions of the parties are expressly kept open.
6. Disposed of in the above terms. No costs.
7. Needless to observe that in the event, such application is made by the petitioner, the same shall be considered and decided in accordance with law.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)