



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.6642 OF 2024

Pandurang S/o Limbaji Hede.

... **PETITIONER**

VERSUS

The Sub-Divisional Officer cum
Land Acquisition Officer, Umerkhed,
District Yavatmal and others.

... **RESPONDENTS**

Shri Tejas Deshpande, Counsel for Petitioner.

Shri Jaywant Ghurde, Assistant Government Pleader for
Respondents.

CORAM : DEVENDRA KUMAR UPADHYAYA, C.J. AND
NITIN W. SAMBRE, J.

DATE : NOVEMBER 14, 2024

P.C. :

1. Heard.
2. The petitioner has questioned the communication dated March 01, 2024 issued by the respondent No.2-Project Director, National Highways Authority of India, wherein it is informed to the petitioner that the respondent No.1-Land Acquisition Officer lacks an authority to deliver the supplementary award.
3. After having heard the learned counsel for the petitioner for some time, the impugned communication cannot be faulted with, as the power to pass the supplementary award is not vested under the scheme of Section 3 of the National Highways Act, 1956. The issue is squarely

governed by the Division Bench judgment of this Court at Principal Seat delivered on February 28, 2023 in Writ Petition No.5327 of 2022 (*Sau. Sangeeta Natwarlal Karwa and another Versus State of Maharashtra and others*). However, we are of the view that it shall be open for the petitioner to take recourse to the remedy of arbitration.

4. That being so, we dismiss the present petition, as the impugned order does not call for any interference. However, we grant liberty to the petitioner to take recourse to the mode of arbitration, as provided under the provisions of the National Highways Act, 1956 in accordance with law. No costs.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)