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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**13 CIVIL APPLICATION NO. 15151 OF 2019
IN WP/3401/2017**

SACHIN DNYANOBA ROCHKARI AND OTHERS
VERSUS
NATIONAL HIGHWAY AUTHORITY THROUGH ITS REGISTRAR
SOLAPUR AND OTHERS
WITH
WRIT PETITION NO. 3401 OF 2017

SACHIN DNYANOBA ROCHKARI AND OTHERS
VERSUS
NATIONAL HIGHWAY AUTHORITY THROUGH ITS REGISTRAR
SOLAPUR AND OTHERS

Mr.G.K.Thigale, Advocate for the petitioners.
Ms.S.S.Joshi, AGP for the respondent/State.
Mr.D.S.Manorkar and Mr.M.V.Kini, Advocates for Respondent No.1.

**(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)**

DATE : FEBRUARY 3, 2025

PER COURT :

1. We have heard the learned Advocate for the petitioners as also the learned Advocates for the respondents National Highway Authority.

2. Initially the petition was filed taking exception to the

notifications issued by the respondents u/s 3 of the National Highways Act to the extent that it was alleged to be contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

3. It is being brought to our notice that independently, re-measurement was undertaken even though the award was passed on 14.09.2018 and 19.06.2018. In the re-measurement report dated 05.09.2019, it was revealed that not the entire property of the petitioners as reflected in the original measurement was actually used when it was showing 893 Sq.Mtrs. from City Survey No.2502/2 as acquired. It turned out to be merely a portion admeasuring 432 Sq.Mtrs. The petitioners are now seeking modification to the award particularly in the light of the stand being taken by the respondents in their affidavit in reply filed to this civil application.

4. It transpires that, there is no dispute on facts, the portion actually acquired from the petitioners' property and the compensation therefor. Obviously, in the light of **Bhupendrasingh Sardarsingh Parmar Vs. Competent Authority for National Highway and Others [2020(2)**

Bom.C.R. 296 = 2020(1) AIR Bom.R 645], the Authority under the National Highways Act will not have any power to modify its award. It is in the light of the aforementioned factual scenario, the learned Advocate for the petitioners submits that the petition itself can be disposed of permitting the Land Acquisition Officer to modify the award to the extent of the petitioners' property.

5. In view of the above, the Writ Petition and the Civil Application are disposed of directing and permitting respondent No.2 to modify the award/s to the extent of the petitioners' property, as expeditiously as possible and in any case within 12 weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)