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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION/

WRIT PETITION NO. 7960 OF 2024

Ravindra Sudam Adhikari & Anr. ...Petitioners
Versus
Competent Authority (Express Way)/
Sub Divisional Officer & Ors. ...Respondents

Ms. Neeta Karnik, Senior Advocate i/b. Ms. Sharwari Lopes, for Petitioners.

Ms. Leena Patil, 'B' Panel Counsel for Respondent No.1 -State.

Mr. J.N.Jain i/b. Mr. Ishan Srivastava, for Respondent No.2 to 7.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 18th September 2025

PC:

1. The present Petition is filed under Article 226 of the Constitution of

India praying for the following substantive reliefs:-

a) be pleased to quash and set aside that part of the impugned order dated 20/02/2024 passed by Respondent No. 1 on Objection Application filed by the Respondent No. 2 to 7 in S.R. 857/2022, which directs the HDFC Bank, Boisar Branch to freeze the Petitioners' compensation amount of Rs. 5,45,817/-lying in Petitioners' bank accounts

b) pending the hearing and final disposal of the Writ Petition this Hon'ble Court may be pleased:

i) stay that part of the impugned order dated 20/02/2024 passed by Respondent No. 1 upon the objection application filed by Respondent No. 2 to 7 in S.R. 857/2022, which directs HDFC Bank, Boisar Branch to freeze the Petitioners' compensation amount of Rs. 5,45,817/- lying in Petitioners' bank accounts

ii) and permit the Petitioner to debit the compensation amount of Rs. 5,45,817/-lying in Petitioners' bank accounts with the HDFC Bank, Boisar Branch.

c) ad-interim relief in terms of prayer clause(b) above;

d) liberty to add, alter and/or amend this Petition may be granted

e) cost of this petition be provided.

2. Thus, the challenge of the Petitioners is to the order dated 20th February 2024, passed by Competent Authority (Express Way)Sub Divisional Officer, Sub Division, Palghar/Respondent No. 1, upon the Objection Application filed by Respondent No.2 to 7 in S.R.857/2022 which directed HDFC Bank, Boisar Branch to freeze the Petitioners compensation amount of Rs. 5,45,817/- lying in the Petitioner's Bank account.

3. The brief facts of the case are as under :-

a) The Petitioners are the owners of The piece of the parcel of land bearing Gut No.352 admeasuring about 0.24.70 hector R.(hereinafter referred to as 'said land'). The said land came to be acquired by the Ministry of Road Transport and Highways, Government of India for the construction of Mumbai Vadodara Express Way as per the provisions of National Highways Act, 1956 (NHA).

b) Respondent No.1 issued a Notice dated 28th July 2020, informing the Petitioner that by way of Final Award dated 16th March 2020, qua the Petitioners land as acquired, has been awarded compensation under Section 3G of the NHA. The Petitioners were also to receive the compensation amount, on the designated date as per the said notice.

c) Respondent No.1 issued a Letter to the Bank Manager of Kotak Mahindra Bank Limited on 29th July 2020, whereby forwarding the list of names of land owners whose land has been acquired for the construction of Mumbai- Vadodara Express Way, which also included the Petitioners name. To that effect a cheque of Rs.3,11,50,842/- was sent to the Bank Manager of the Kotak Mahindra Bank Limited to deposit the said amount in the Bank Account of the respective land owners, including the Petitioner.

d) Respondent Nos. 2 to 7 after a gap of almost 2 years raised an Objection to the compensation awarded in favour of the Petitioner by way of Final Award No.18 dated 16th March 2020, by filing an objection application dated 20th June 2022, with Respondent No.1.

e) Respondent No.1 on receipt of the Objection Application received from Respondent No. 2 to 7 proceeded to issue a Letter dated 5th July 2022, to the Bank Manager of the HDFC Bank, Boisar Branch whereby he directed to freeze the account of the Petitioners on the ground that Respondent Nos.2 to 7 had filed an Objection Application and taken objection on payment of compensation to the Petitioners under the final Award dated 16th March 2020. In pursuance of which letter dated 5th July 2022, the Petitioner received a notice dated 7th July 2022, from HDFC Bank which informed the Petitioners that their Bank Account had been frozen and will remain under “ No Debit” status until the full amount as per notice is paid or on the receipt of the revocation order.

4. It is on this above backdrop the Petitioners have challenged the freezing of their account by Respondent No.1 primarily on the objections raised by

Respondent Nos. 2 to 7, post the passing of the Final Award dated 16th March 2020.

5. Ms. Neeta Karnik, learned Senior Advocate for the Petitioners, has vehemently argued that the impugned Order dated 20th February 2024, passed by Respondent No.1 is highly arbitrary and prejudicial to the interest of the Petitioner. She has submitted that once the Final Award dated 16th March 2020, has been passed by Respondent No.1, he had no jurisdiction or authority to consider the objections raised by Respondent Nos.2 to 7, in respect of the compensation awarded to the Petitioner by way of aforesaid Award and any dispute in that regard was required to be decided as per law. It is also her contention that this objection which was raised by Respondent Nos.2 to 7 after a period of 2 years of declaration of the final Award dated 16th March 2020, was a mischievous attempt on the part of the Respondent Nos. 2 to 7 to usurp the compensation awarded in favour of the Petitioner, under the final Award dated 16th March 2020. It is also her contention that Respondent Nos. 2 to 7 have not produced a single document in support of their claim, depicting any interest on the Petitioners land. It is submitted that in fact a Special Investigation Team (SIT) has been appointed to probe into the bogus claims raised by Respondent Nos.2 to 7 which is contended to be a modus operandi to raise unwarranted claims. She has further contended that if at all Respondent Nos. 2 to 7 were to be aggrieved by the findings of the Award dated 16th March 2020, in that event it was open to them to file appropriate proceedings before the designated forum asserting apportionment in the compensation being granted under the said Award. Respondent No.1 therefore does not have the power

to interfere or reconsider/review or make any correction in the Award passed on 16th March 2020, and the objections if any, ought to have been raised before the passing of the Award by the Respondent No.1. In support of the above submissions Ms.Karnik, seeks to place reliance on the Judgment of **Bhupendrasingh s/o. Sardarsingh Parmar Vs. The Competent Authority for National Highway No.6 and Deputy Collector (Gen.), Dhule & Ors. 2020(7) AIIMR** passed by the Aurangabad Bench of this Court, wherein this Court held that once the Award is pronounced by the Competent Authority, the Competent Authority has no right to alter, interfere or reconsider the Award or make corrections in the said Award. Ms.Karnik, hence submits that the amount of Rs.5,45,817/- which has been frozen by HDFC Bank, Boisar Branch on the basis of the objection application filed by Respondent Nos. 2 to 7 is an action which is patently arbitrary, illegal and without jurisdiction/authority in law. She has also submitted that in the event the said Award is set aside in any appropriate proceedings in such event the Petitioners shall bring back the compensation amounts as received by the Petitioners.

6. Mr. Jain, learned counsel for Respondent Nos. 2 to 7 submitted that the impugned order dated 20th February 2024, has been rightly passed, considering the objections filed by Respondent No.2 to 7 and further contended that the land which the Petitioners allege to be their land, there was construction on the same as also there were trees which belonged to the Respondent Nos. 2 to 7. Learned counsel Mr. Jain for Respondent Nos.2 to 7 also contended that the compensation amount of Rs. 5,45,817/- which has been given to the Petitioner by way of the Final Award actually rightfully belongs to Respondent Nos. 2 to 7.

7. After hearing both the parties for some time and after perusing the relevant documents placed on record in the present case, we are of the opinion that the impugned order has indeed been passed without jurisdiction and is *per se* arbitrary. It is a settled position in law that once the Final Award has been passed i.e. in the present case on 16th March 2020, and compensation has been awarded to the Petitioner in pursuance of the said Award, then the said Award cannot be altered/reviewed or corrected under the provisions of Section 3A of the NHA. It is also a settled principle of law that a Competent Authority is not a Court but is a quasi judicial authority for the purpose of Section 3C of the NHA, in the matter of hearing and deciding objections under Section 3C(i) of the said Act, as rightly contended by Ms. Karnik, relying on the decision of the Division Bench of this Court (Aurangabad Bench) in *Bhupendrasingh s/o. Sardarsingh Parmar Vs. The Competent Authority for National Highway No.6 and Deputy Collector (Gen.), Dhule & Ors.* (supra) .

8. Respondent No.s 2 to 7 could not have raised an objection after a lapse of 2 years post publication of the land acquisition Award dated 16th March 2020, by Respondent No.1. If at all the Respondent No.2 to 7 were aggrieved by the said Award dated 16th March 2020, then their recourse was to file appropriate proceedings as the law would permit i.e. by way of a reference of the dispute to the Civil Court. However, the recourse as taken by Respondent Nos.2 to 7 was by filing objections after Award dated 16th March 2020, was passed is not the correct approach. Mere filing of wrong and untenable proceedings would not clothe the authority with any jurisdiction to take the impugned action. For such reason the

contention as urged on behalf of Respondent Nos.2 to 7, questioning the impugned order stands rejected. Considering the submissions made by the Petitioners and the Respondents, and in view of the settled position of law and the facts in the present case, we pass the following orders which will meet the ends of justice.

ORDER

- i) The impugned Order dated 20th February 2024, passed by Respondent No.1 on objection Application filed by Respondent Nos. 2 to 7 in S.R. 857/2022 directing HDFC Bank, Boisar Branch to freeze the Petitioner's compensation amount of Rs.5,45,817/- is quashed and set aside.
- ii) The Bank Accounts of Petitioners in HDFC Bank, Boisar Branch be activated and the orders of freezing be lifted immediately on receipt of this Order by Respondent No.1 and the HDFC Bank, Boisar Branch.
- iii) Respondent Nos. 2 to 7 are at liberty to take recourse to the remedy of appropriate proceedings in assailing the award of compensation under the Award dated 16th March 2020.
- iv) All contentions of the parties in that regard are expressly kept open.
- v) Writ Petition is allowed in view of the aforesaid terms.
- vi) No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)