

Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12573 OF 2024

Gulab Mahibub Tamboli

...Petitioner

Versus

The Sub Divisional Officer and the Land
Acquisition Officer Malshiras and ors.

...Respondents

Mr Rajesh S. Jadhav, for the Petitioner.

Ms S. D. Vyas, Addl.G.P., a/w Ms M. S. Bane, AGP, for the
Respondent-State.

CORAM **M.S. Sonak &
Jitendra Jain, JJ.**

DATED: **10 January 2025**

PC:-

1. Issue notice to the third Respondent, returnable on 31 January 2025. The notice to indicate that this Petition would be disposed of finally at the admission stage.
2. The Petitioner's grievance is that a reference has been made under Section 3G(5) of the National Highways Act, 1956 for determination of the compensation amount by the Arbitrator i.e. Respondent No.2. However, since 2021, the Arbitrator, except for issuing notices to the parties, has not proceeded with the arbitration.

3. Ms Vyas, learned Additional Government Pleader states that she will obtain instructions from the second Respondent regarding the status of such arbitration and also the timeline within which the arbitration would be completed.

4. We note that special provisions have been made in the National Highways Act, 1956 so that the work concerning the highways proceeds unhampered by issues of compensation etc. At the same time, the landowners whose lands stand acquired have also been provided with the remedy of determining the compensation through arbitration expeditiously. The provisions relating to arbitration and expeditious determination of compensation cannot be frustrated by such delays.

5. Accordingly, list this matter on 31 January 2025 for final disposal at the admission stage.

(Jitendra Jain, J)

(M.S. Sonak, J)