



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

WRIT PETITION NO. 3158 OF 2024

Lalita W/o Ankush Suryawanshi Vs. The Collector, District Chandrapur and others

Office Notes, Office Memoranda
of Coram, Appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. S.S. Sanyal, Advocate for Petitioner
Mr. Alap Palshikar, AGP for Respondents / State

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 11th MARCH, 2025

1. It is not disputed, that though the acquisition of the land of Survey No.27/1, was by the National Highway Authority under the National Highways Act, 1966 by the Award dated 30.6.2021 (page 21), it has been revised, by the respondent no. 2 by invoking the powers under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFTTFLR Act, 2013), that too without issuing any notice to the petitioner, thereby denying of opportunity of being heard. It is contended, that in terms of the Schedule IV of the said Act, the provisions of the said Act are not applicable to acquisitions under the National Highways Act, on account of which, the action of respondent No.2 in passing the revised award is clearly unsustainable in law.

2. Mr. Palshikar, learned Assistant Government for respondents, does not dispute, that the record of the respondent No. 2 while passing the revised award dated 20.09.2022 (page 36), does not indicate issuance of a notice to the petitioner before revision of the Award, in view of that statement, on this ground itself, the revised award dated 20.9.2022 cannot be sustained.

3. That apart, para 11 of page 42 of the revised award, indicates, that the provision of the RFTTFLR Act, 2013 have been invoked, for revising the award, in view of the position, as indicated by Schedule IV of the RFTTFLR Act, 2013 and absence of any Notification under Section 105(3) of the said Act, it is trite that the provisions of the Act of 2013, could not be invoked for the purpose of acquisition under the National Highways Act.

4. In that view of the matter, the revised award dated 20.09.2022 (page 36) cannot be sustained and is hereby quashed and set aside.

5. Needless to say, that respondent No. 2 would be entitled to take all steps as permissible under the National Highways Act, vis-a-vis the original award.

6. Pending applications are disposed off in terms of above.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande