IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**58 WRIT PETITION NO. 12897 OF 2021**

SATISH SHIVAJI TIDKE AND OTHERS
*VERSUS*
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for petitioners : Mr. Mukul Kulkarni i/b. Mr. B.N. Magar
AGP for the respondent – State : Mr. S.B. Pulkundwar
Advocate for respondent no. 3 – Competent Authority : Ms. Mayuri G. Kasturkar
Advocate for respondent no. 4 : Mr. D.S. Manorkar (Through V.C.)
...

**CORAM : KISHORE C. SANT AND JITENDRA JAIN, JJ.**

**DATE : 15 OCTOBER 2026**

**ORAL ORDER :**

Heard learned advocate for the parties. By consent, the petition is taken up for final disposal at the stage of admission.

2. A short question involved in this petition, is as regards the power vested with the learned Competent Authority, Land Acquisition - Sub Divisional Officer under the National Highways Act, to review and pass a fresh award.

3. The facts in the present petition which are not disputed are that on 15.02.2019, a draft award came to be passed by which lands of the petitioners came to be acquired. On 05.03.2019, the Assistant Director, Town Planning approved the rates in the draft award and on that basis, a final award came to be passed on 25.09.2019. However,

on 25.09.2019, Competent Authority, Land Acquisition directed even to deposit the amount. However, thereafter, the Project Director issued communication dated 07.10.2019 and requested the Competent Authority to pass a fresh award, whereby the rate of the land was shown to be lesser than which was shown earlier. In the said communication, it is specifically directed to review the amount of compensation. It is on that count, a draft award came to be passed on 25.11.2019. On receiving the letter of the Collector, final award was passed on 04.12.2019, whereby the amount of compensation is shown to be lesser than what was shown in the earlier final award.

4. The petitioners, therefore, have approached this Court, mainly on the ground that once the award is passed, the Competent Authority does not possess the power to review its own award.

5. Learned advocate for respondent no. 4, though opposes the petition vehemently, however, does not dispute the legal position that there cannot be a review of the award once it is finalized.

6. Learned advocate for respondent no. 3 – Competent Authority opposes the petition. She submits that it is because of the letter from the Project Director to the Competent Authority that the award was passed. She justifies the award.

7. Learned advocate for the petitioners relied upon the judgment dated 28.02.2023 in writ petition no. 5593 of 2022 in the case of ***Shri Shrikant Govind Taklikar and others Vs. State of Maharashtra and others***. Further reliance is placed on judgment in the case of ***Bhupendrasingh Sardarsingh Parmar V. Competent Authority for National Highway*** reported in (2020) ***7 ALL MR 11 (BOM).*** It is clearly seen that the legal position is clear that no power of review is vested with the Competent Authority under national highway Act. Reliance is also placed on judgment dated 08.11.2019 in the case of ***Yasminbegum W/o Bakshulla Khan and others Vs. The State of Maharashtra and others*** (Writ Petition No. 1883 of 2018 and connected writ petitions), wherein national highway authority is a party.

8. Considering above, this Court finds that the second draft award dated 04.12.2019 could not have been passed.

9. This Court, therefore, hold the award dated 25.09.2019, to be the final award. Needless to state that award dated 04.12.2019 and the draft award dated 25.11.2019 stands quashed and set aside. Compensation be paid as per the final award dated 25.09.2019 within three (3) months from today.

10. With this, the Petition is allowed and disposed of.

**[ JITENDRA JAIN ]**
**JUDGE**

**[ KISHORE C. SANT ]**
**JUDGE**

arp/