

By this petition, the petitioner is seeking a direction to respondent No.5-District Level Committee to rectify alleged classification error in its report dated 24.01.2019 and to submit a fresh proposal to the office of the respondent No.1-Land Acquisition Officer, leading to a fresh award under Section 19B(3) of the Maharashtra Highways Act, 1955 (Highways Act). The petitioner has also prayed for relief of quashing and setting aside award dated 05.08.2019 declared by the respondent No.1, concerning the subject land and to make afresh award, on the basis

of compensation amount offered to the land owners of the adjacent land.

2. The respondent Nos.1, 4 and 5 being State Authorities are represented by learned AGP and the respondent Nos.2 and 3 concerning Maharashtra State Road Development Corporation (MSRDC) are also represented by counsel.

3. In the present case, it is undisputed that the petitioner being aggrieved by the said award dated 05.08.2019 had taken recourse to the remedy available under Section 19B(8) of the Highways Act by approaching the arbitrator. The statutory arbitrator being the Divisional Commissioner of Nashik Division, by award dated 04.04.2024, rejected the claims of the petitioner. Aggrieved by the same, the petitioner approached the District Court at Thane under Section 34 of the Arbitration and Conciliation Act, 1996 (Arbitration Act).

4. By judgment and order dated 14.11.2025, the District Court allowed the application filed by the petitioner, set aside the award of the sole arbitrator and remitted the matter back to the sole arbitrator for deciding it afresh. The District Court issued specific directions to the sole arbitrator with regard to the manner in which the proceeding was to be decided afresh.

5. The learned counsel for the petitioner submitted that the error in classification committed by the respondent-District Level Committee goes to the root of the matter and vitiates the entire

proceedings regarding determination of just, fair and reasonable compensation payable to the petitioner and the market value of the subject land on the date of publication of notification under Section 15 of the Highways Act. It is submitted that therefore, this Court may consider entertaining the present petition, so that the error that goes to the root of the matter is rectified and the procedure of determining compensation payable to the petitioner can then be taken forward in accordance with law, necessarily requiring a fresh award to be passed by the respondent No.1-Land Acquisition Officer.

6. The learned AGP and learned counsel appearing for MSRDC opposed the said contentions raised on behalf of the petitioner and submitted that the issue sought to be raised in this writ petition can be agitated before the sole arbitrator, where the proceedings are pending. It was submitted that the contentions raised on behalf of the petitioner concern determination of appropriate market value of the land, which the arbitrator is required to determine as per Section 19B(10) of the Highways Act. It was submitted that on this short ground, the writ petition deserves to be dismissed.

7. We have considered the rival submissions. A perusal of the order passed by the respondent-District Court under Section 34 of the Arbitration Act, demonstrates that aforementioned contention raised on behalf of the petitioner was taken into consideration and in paragraph 59(e) of the order dated 14.11.2025 passed by the

District Court, it was categorically recorded that the respondent No.5-District Level Committee is only a recommendatory body and that the committee did not take the sale deeds, but only considered Index-II values. The aforesaid observations made by the District Court, while sending the matter back to the sole arbitrator, clearly demonstrate that the recommendation made by the respondent-District Level Committee being recommendatory nature would not be binding. In any case, it could be challenged by the petitioner in the pending proceedings before the sole arbitrator.

8. Section 19B(10) of the Highways Act, reads as follows :

“19B. Determination of amount payable as compensation —

*(1) to (9) ******

(10) The Land Acquisition Officer or the arbitrator while determining the amount under sub-section (3) or sub-section (8), as the case may be, shall take into consideration,—

(a) the market value of the land on the date of publication of the notification under section 15;

(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land ;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:”

9. We find that clause (a) of the sub-section (10) of Section 19B of the Highways Act, concerns determination of market value of the land. The contentions being raised on behalf of the petitioner in this writ petition, alleging erroneously classification by the respondent-District Level Committee, are contentions that ultimately concern the proper determination of the market value of the subject land. The said contentions can certainly be raised before the sole arbitrator in the pending proceedings. We find that the opinion of the respondent-District Level Committee, being recommendatory in nature, would certainly not be binding on the arbitrator while considering fair market value of the subject land. Consequently, the petitioner is entitled to challenge the report of the respondent-District Level Committee, including the basis of classification of lands found therein. The respondent-Authorities while contesting the claims made by the petitioner would equally be entitled to defend the report of the respondent-District Level Committee and the arbitrator would eventually have to decide the said issue on merits. It is obvious that respondent-District Level Committee being a recommendatory body, its report is open to be examined and tested in the arbitration proceedings and the petitioner would not be shut out by accepting as gospel truth the said report of the respondent-District Level Committee, including the basis of classification of lands.

10. The rival parties would be entitled to lead evidence in support of their respective stands, concerning the report of the

respondent-District Level Committee and all other issues germane to determination of fair market value of the subject land.

11. Once this aspect is clear, it becomes obvious that the present writ petition need not be entertained by this Court, as the petitioner has the avenue of raising the grievances raised in the present petition before the arbitrator in the pending proceedings.

12. In view of the above, we refuse to entertain the present writ petition and accordingly, it is dismissed.

13. However, it is made clear that the petitioner is at liberty to raise the issues highlighted in this writ petition before the sole arbitrator, in the light of the observations made hereinabove.

14. This Court has not expressed any opinion on the merits of the matter.

15. Liberty is granted to the Advocate having instructions to represent respondent No.3-MSRDC to file *vakalatnama* within one week from today.

16. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)