



Arbitration Case No.286/2021.
CNR NUMBER: MHLA010020062021

ORDER BELOW EXH.NO.16.

(Parwatibai V/s. The Competent Authority & 2)

1] The learned Advocate Mr.A.G.Patil, for applicant is present. He filed this application today itself and pressed this application for, urgent restraining orders against respondents from taking possession of the lands of the applicant acquired for the construction of National Highway No.361.

2] Heard learned Advocate Mr.A.G. Patil at length.

3] Perused record and proceeding. It appears that, this is first interim application filed today for the first time.

4] It also appears that respondent no.1 who is Competent Authority of Land Acquisition(CALA) and respondent No.3 has not been served yet of main proceedings. Only, Respondent No.2 is served and has filed say today itself which is at exhibit-14.

5] Meantime, learned District Government Pleader Mr. S.V.Deshpande, has appeared for respondent No.3- The Collector, Latur and submitted that he is going to file his detail say in this matter.

6] As per Section 3E of the National Highways Act, 1956, the amount determined by the competent authority under section 3G with respect to such land is to be deposited under sub- section

(1) of section 3H, with the competent authority by the Central Government, thereafter, procedure of surrendering or delivering possession is to be followed.

7] As well, Section 3H which is regarding Deposit and payment of amount of the said Act speaks as -

"(1) The amount determined under section 3G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land".

8] In view of these provisions, it is necessary to see whether or not the compensation amount is deposited by Central Government with the Competent Authority of Land Acquisition.

9] Unless, the respondent No.1-Competent Authority, Land Acquisition(CALA) is served, it is not possible for this Court to know whether any amount of compensation is deposited with that Authority or not. Therefore, it is necessary to have say of all respondents. Hence, I proceed to pass the following order.

ORDER

- 1) Issue notice of this application to all the respondents.
- 2) Emergent process is allowed.

Sd/-

(Smt.S.S.Kosamkar)
Principal District Judge,
Latur.

Date: 22/11/2021.