



ORDER BELOW EXH. NO. 28 IN ARB.CASE NO.298/2021.
(N.H.A. of India Vs. CALA)
MHLA010020552021

01. The respondent Nos.2 and 3 have filed this application and contended that, the applicant has acquired their land for National Highway. According to them, though the Additional Collector passed arbitrator award on 02/03/2021 till today the applicant has not deposited the entire compensation amount. When they filed execution proceeding the applicant deposited 50% amount of compensation. According to the respondents the Hon'ble Supreme Court in Special Leave Petition Nos.12409/2021, 18804/2022, 19111/2022 and C.A.No.5256/2022 has directed to the applicant of those Special Leave Petitions to pay 50% amount of compensation to the land owners. According to the respondents, the award passed in the aforesaid Special Leave Petition and the award passed in present matter is one and same as such, they are entitled to receive 50% amount of compensation.

02. The applicant filed reply and contended that, though the award is passed till today the applicant has not acquired or received the possession of the land of the applicant. It is further contended that, if the application of the applicant is allowed, it would be very difficult for the applicant to recover the amount of compensation which is disbursed from the respondent Nos.2 and

3, as such the applicant prayed to reject the application.

03. Heard both sides. Perused the record. The Hon'ble Supreme Court in Special Leave Petition, while deciding the Special Leave Petition pleased to direct the applicant to deposit 50 % amount of compensation as per the award passed with the executing court within four weeks. The Hon'ble Supreme Court further pleased to direct that, 50% amount shall be released to the land owners unconditionally. In view of this I am of the view that, the respondent Nos.2 and 3 are entitled for 50% amount of compensation unconditionally. Hence, the following order.

ORDER

- 1) The application Exh.28 is allowed.
- 2) The 50% amount of compensation be disbursed to respondent Nos.2 and 3 unconditionally.

(V. V. Patil)

Date: 13/03/2024.

Principal District Judge, Latur.