

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 WRIT PETITION NO. 6522 OF 2016

SHAMRAO DAJIBA KADAM AND OTHERS
VERSUS
THE NATIONAL HIGH WAY AUTHORITY OF INDIA THROUGH ITS
CHAIRMAN AND OTHERS

...

Advocate for Petitioners : Mr. Jadhavar Kiran B.
AGP for Respondents State: Mr. A. R. Kale
A.S.G.for Respondents U.o.I. :Mr. S. B. Deshpande,

**CORAM : R. M. BORDE &
K. L. WADANE, JJ.**

DATE : 30th June, 2016

ORDER:

1. Heard learned counsel for the respective parties.

2. The petitioners are objecting to conduct of survey by the Highway Authority in respect of landed property which is sought to be acquired for the purpose of construction of National Highway.

3. As per provisions of Section 3-A of the National Highways Act, 1956, the Central Government, on its satisfaction, shall issue notification in the Official Gazette and declare its intention to acquire land, if the same is required for the public purpose. It is not a matter of dispute that Notification under Section 3-A has been issued by the National Highway Authority. Section 3-B of the Act provides that on issuance of

notification under sub section 1 of section 3A, it would be lawful for the person authorised by the the Central Government in that behalf to-

- (a) make any inspection, survey, measurement, valuation or enquiry;
- (b) take levels;
- (c) dig or bore into sub-soil
- (d) set out boundaries and intended lines of work;
- (e) mark such levels, boundaries and lines by placing marks and cutting trenches; or
- (f) do such other acts or things as may be laid down by rules made int his behalf by the Government.

4. The petitioners submit that the objections are tendered by the landowners to the Authority and those are not considered. The objections tendered by the petitioners/landowners would be considered in due course, however, they cannot object to the survey and measurement of the properties as authorized under section 3-B of the Act. No interference is called for. Writ petition stands dismissed.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC