

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6863 OF 2016**

Dr. Suhas Kahadne & Anr. ...Petitioners

Versus

National Highway Authority & Ors. ...Respondents

...

Mr. S.S. Jadhav for the Petitioners
Mr. P.P. Kakde, A.G.P. for Respondent -State.
Mr. R.L. Singh i/b. Mr. M.V. Kini & Co. for
Respondent Nos.1 and 2.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 27th JULY, 2016.

P. C. :

Heard the learned counsel appearing for the
respective parties.

2. Mr. Jadhav, at the outset makes a statement that he is restricting his petition to the reliefs claimed in amended prayer clauses A(i), A(ii) and A(iii). Statement is accepted.

3. The petition pertains to the acquisition of land pertaining to the construction of Kalamb bypass on Pune-Nashik National Highway No.50. The learned counsel for the Petitioner submitted that pursuant

to the publication of the notification of section 3(A) of the National Highway Act, 1956 dated 25th February, 2016, notices were issued to the Petitioners and other affected persons. Pursuant to which concerned persons filed an objection regarding acquisition of land for Kalamb bypass. In view of these objections, hearing was fixed on 19.5.2016. The Petitioners claimed that they had received the notice on 18.5.2016 and therefore sought time. Their request was granted and hearing was fixed on 1.6.2016. The learned counsel for the Petitioner submits that on 1.6.2016 the Petitioners were not heard and orally asked to tender documents in the office of the competent authority. The main grievance in the present petition is that without hearing them impugned order dated 10th June, 2016 was passed as contemplated under section 3-C (2) of the National Highway Act, 1956.

4. Mr. Mhatre, the learned counsel appearing for the Respondents contested the petition. He submits that the objection filed by the Petitioners on 15.3.2016 was duly considered after giving the opportunity of hearing to the Petitioners and thereafter said order was passed. He further submits that the similar challenge have already been dismissed by this Court by order dated 22nd July, 2016.

5. Having considered the rival submissions, we do not find

any merit in the petition. We have gone through the impugned order dated 10th June, 2016. This order indicates that the Petitioners were heard and in fact hearing was postponed from 19th May, 2016 to 1st June, 2016 in pursuant to the request made by the Petitioners. On 15th March, 2016 the Petitioners raised many objections. The impugned order also shows that the Petitioners and all the concerned were heard on 10th June, 2016 and all the grounds raised by the Petitioners and others raised in their objections dated 15.3.2016 have been considered in detail.

6. The learned counsel for the Petitioners placed on record copy of the objections allegedly handed over by them in the office of the competent authority. Their grievance is that these objections are not considered by the competent authority. We have perused these objections. These grounds were also raised in the objection dated 15th March, 2016, which have been duly considered and thereafter impugned order was passed.

7. In above circumstances, we do not find any merit in the petition. The petition is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)