

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12731 OF 2015

Pralhad Bhau Gurav & Ors.

.... Petitioners

V/s.

The National Highways Authority of India,
Panvel, Dist. Raigad & Ors.

.... Respondents

Mr. P.B. Gujar for the Petitioners.

Mr. Rakesh Singh, i/by M/s. M.V. Kini & Co., for
Respondent Nos.1 and 2.

Mrs. M.P. Thakur, A.G.P., for the Respondent-State.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 13TH APRIL 2016.

P.C. :

1. Petitioners have filed this Petition seeking following reliefs :-

(A) *Issue a Writ of Mandamus or any other Writ in the nature of Writ of Mandamus, order or direction in the like nature directing the Respondent Authorities to follow the due procedure of notifying the “premises” of the Petitioners for acquisition as per the National Highways Act, 1956 before carrying out the demolition of the said premises;*

- (B) *Issue a Writ of Mandamus or any other Writ in the nature of Writ of Mandamus, order or direction in the like nature directing the Respondent Authorities to notify the premises of the Petitioners in accordance with Section 3-A of the National Highways Act, 1956 for acquisition and thereafter declare the acquisition under Section 3-D of the Act, 1956 and after paying due compensation to the Petitioners for their lands and premises as per the market rate permit the Petitioners to demolish the premises of the Petitioners.*
- (C) *Direct the Respondent No.1 not to demolish the premises of the Petitioners in furtherance to the marking so done unless the entire process for acquisition as contemplated under the National Highways Act, 1956 is carried out by the Respondent No.1.*
- (D) *Direct the Respondent Nos.1 and 2 to deposit the amount of compensation as per the market rate for the “premises” as per the National Highways (Manner of Depositing the Amount by the Central Government with the Competent Authority for Acquisition of Land) Rules, 1998 and then only permit the Respondent No.1 to demolish the “premises” of the Petitioners.”*

2. The learned counsel for Respondent Nos.1 and 2, having taken

instructions, makes a solemn statement that Respondent Nos.1 and 2 shall carry out joint measurement of the Petitioners' property as per the procedure and ascertain whether it is affected by the National Highway Project. He further states that, in case the Petitioners' property is getting affected by the National Highway Project, then the same shall not be demolished or taken possession of, unless and until the same is acquired by following appropriate procedure and paying compensation as per law. The statement is accepted.

3. The counsel for the Petitioners states that, in view of the statement made by learned counsel for Respondent Nos.1 and 2, the grievance of the Petitioners no more survives.

4. In the above circumstances, the Petition is disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]