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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10248 OF 2015

M/s Haveli Estates Pvt. Ltd. Petitioner.

V/s

The Union of India & Ors. Respondents.

Mr. Madhav Jamdar a/w Mr. Dhiraj Gala for the Petitioner.

Mr. P.G. Sawant, AGP for Respondent Nos. 2, 5 and 7.

Ms. Jyotsna Pandhi for Respondent No.1.

Mr. Rakesh Singh a/w. Mr. Kunal Chheda i/b M/s. M.V. Kini & Co. for Respondent No.3.

**CORAM: DR. MANJULA CHELLUR, C.J. &
N.M. JAMDAR, J.**

DATE: 1st August, 2017

P.C.:-

1] Petitioner is before this Court complaining that, initially, in the year 1985, a portion of the land was acquired for the purpose of formation of road and, accordingly, a road was formed. He further contends that in the year 2013, without any acquisition, an additional portion of the land belonging to the Petitioner in the Survey No.71/1-B came to be used by the Respondent-Authorities for the formation of a road. Therefore, he is before the Court.

2] The learned Advocate representing the National Highway Authorities submits that at the time of formation of the road, it is possible that some more land might have been used for formation of the road and in every such complaint, joint inspection of the site in question with reference to the measurement of the land acquired is conducted and, thereafter, if factually additional land is found to be used for the formation of road beyond the acquired portion, compensation is paid to such land losers or persons having interest in the land. It is also pointed out that a civil suit is pending for the very same purpose at the instance of the Petitioner. The learned Advocate for the National Highway Authorities fairly submits that, even in the present case, there can be a joint inspection.

3] In response to this, the learned Counsel for the Petitioner submits that a joint inspection was done on 03/09/2013 as mentioned in the Petition but nothing is informed from the National Highway Authorities. Therefore, the Petitioner was constrained to file the suit and also this Petition.

4] Apparently, there seems to be no intimation by the National Highway Authorities to carry out a joint inspection. Pages 41 and 44 of the Writ Petition only refer to the Petitioner addressing a letter to the Authorities saying that two Officers of the National Highway Authorities inspected the land. We wonder how, without

authorization or direction from the higher authorities, two Officers could inspect the land without prior intimation in writing to the Petitioner. Therefore, we cannot rely upon this statement at Pages 41 and 44 of the Writ Petition. However, nothing comes in the way of the Respondent-Authorities to carry out a joint inspection and then decide the issue now also. Therefore, we direct the Respondent-Authorities to treat the Writ Petition as representation of the Petitioner and dispose of the matter within 8 weeks without referring to the earlier inspection or correspondence and decide the factual situation accordingly. We make it clear that we have not expressed any opinion on the merits of the Writ Petition.

5] With the aforesaid directions, Writ Petition is disposed of.

6] Since the Writ Petition itself is disposed of, pending Civil Applications, if any, do not survive and stand disposed of.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)