

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1560 OF 2017

Bhagwat Balaji Raut

.. **Petitioner**

Versus

The Executive Engineer,
National Highway Division No. 9,
Nashik and another

.. **Respondents**

Shri Sandeep Gorde Patil, Advocate for the Petitioner.

Shri S. B. Deshpande, Advocate for Respondent No. 1.

Shri A. S. Shinde, A.G.P. for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 13th March, 2018

PER COURT :

1. Mr. Gorde Patil, learned advocate for the petitioner submits that in fact the land to the extent of 20 Are from Survey No. 51/5B (old) situated at Ghulewadi has been acquired, but in the award only 13 Are land is shown. The petitioner has time and again made representations. Even he has got the measurement done through T.I.L.R. It shows 20 Are land being acquired.

2. Learned Assistant Government Pleader submits that joint measurement had taken place and as per joint measurement only 13 Are land is acquired of the petitioner.

3. We have considered the submissions.

4. In the joint measurement map it is stated that 13 Are land from Survey No. 51/5B (old) is acquired but in the joint measurement map we don't see separate 51/5B (old) being carved out. It also appears that subsequently there were corrections in the joint measurement.

5. According to the petitioner, he has also carried out the measurement through T.I.L.R. and his 20 Are land is acquired from 51/5B (old).

6. From the record before us it would not be clear as to the actual holding of the petitioner and the land acquired. The award is passed in the year - 2006. The petitioner claims to have made representations in the year - 2016.

7. It will be appropriate for the authority to consider the

representations of the petitioner and satisfy itself about the extent of the land acquired from 51/5B (old) of the petitioner. The authority shall consider the records that would be produced before it. So also, the award and the joint measurement map and then take a decision upon exact area of the land acquired from the petitioner expeditiously and preferably within six (6) months.

8. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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