

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

WRIT PETITION NO.7977 of 2018

Anil Sambahaji Pharate ... Petitioner

V/s.

The State of Maharashtra & ors. ... Respondents

WITH

WRIT PETITION NO.7326 OF 2018

Suyash Bhansing Bhoite ... Petitioner

V/s.

The State of Maharashtra & ors. ... Respondents

WITH

WRIT PETITION NO. 7978 OF 2018

Yogesh Mansing Bhoite ... Petitioner

V/s.

The State of Maharashtra & ors. ... Respondents

Mr. S.M.Sabrad for the petitioners.

Ms. Nisha Mehra, AGP for respondents 1 to 4.

Mr. V.D.Patil for respondent no.5.

Mr. Sudhir Nandode for respondent no.6 in all petitions.

**CORAM : NARESH H. PATIL, C.J.
& M.S.KARNIK, J.**

28th November, 2018.

P.C.

These petitions raise identical issues, therefore, are disposed of by a common order.

2. The petitioners pray for directions to respondent nos.2 and 3 to forthwith initiate acquisition proceedings in respect of respective lands as mentioned in the prayer clauses of petitions and compensate the petitioners for having illegally trespassed into their respective lands and for cutting standing trees and standing crops.

3. It is submitted that without initiating any acquisition proceedings the authorities of respondent no.5 have cut trees in the lands owned and possessed by the petitioners. The petitioners seriously apprehend that the respondent authority would disturb the possession of the petitioners without having recourse to law.

4. Respondent No.5 filed affidavit-in-reply. In Paragraph-4 the deponent D.D.Barvakar, Executive Engineer of Maharashtra State Road Development Corporation Ltd. in Writ Petition No.7977/2018 states as under:-

“4. I say that as per the initial survey and inspection, the lands which would be required for road upgradation were identified and accordingly, notification U/s 3(A) of the National Highways Act was issued on 2/1/2018 for acquisition of the land for the purpose of road upgradation. I say that the Petitioner's land bearing Gat No.7 was not included in the Land Acquisition proposal and was therefore not included in the notification issued U/s 3(A) of the National Highways Act. However, on further verification and inspection of the road alignment, it is now found that the Petitioner s land Gat No.7 would be affected by upgradation of the road. I say that therefore Petitioner's land Gat No.7 would be included in the supplementary land acquisition proposal which

is being prepared. I therefore say that that the Petitioner would be suitably compensated for the portion of his land which would be acquired by due process of law under the National Highways Act. I say that the land acquisition proposal is being verified and the affected land would be identified and included in the Land Acquisition proposal by publishing notification U/s.3(A) of the National Highways Act. In the circumstances of the case I submit that the apprehension expressed by the Petitioner that he will not receive any compensation for portion of his land Gat No.7 which would be affected by upgradation of the existing road is misplaced. I say that the Petitioner would be sufficiently compensated for his land that would be affected by upgradation of the road as the same would be acquired under the National Highways Act. In the circumstances of the case, I submit that no direction is necessary from this Hon'ble High Court and the petition be disposed off accordingly."

5. The learned Counsel appearing for respondent no.5 submits that as of now there is no notification issued to acquire lands of petitioners for the purposes of upgradation of Nagpur, Ahmednagar, Daund, Baramati and Phaltan Road. The Counsel submits that petitioners' possession will not be disturbed without taking recourse to law.

6. In view of the affidavit filed and statement made by respondent no.5, Writ Petitions are disposed of.

M.S.KARNIK, J

CHIEF JUSTICE

L.S. Panjwani, P.S.