

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13432 OF 2016**

Raghunath Tatyaba Pawar and ors.	..Petitioners
Versus	
The State of Maharashtra through	
Secretary of Industries Revenue and Forest	
Department and ors.	..Respondents

Mr. S. R. Sorankar, advocate for the petitioners.
Mr. P. G. Sawant, AGP for the State.
Mr. P. B. Gujar i/b. Hinge and Deshmukh Associates, advocates for the respondent No.2.

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

DATE : 14th FEBRUARY, 2018.

P. C. :

Heard learned counsel and learned AGP appearing for the
respective parties.

2. The petition is filed for the following reliefs :

(a)...

(b) *this Hon'ble Court be pleased to issue a Writ of Mandamus or any other Writ in the nature of mandamus, or any other direction/order, directing or ordering the Respondents not to carry out any construction activities in respect of the proposed new road, joining Satara and Pune paralal (sic) to National Highway No.4, through Gat No.390, 389,*

388 and 387, 386, 383, 384, 261 in Village Vele, Taluka Wai, District Satara;

(c) In the alternative this Hon'ble Court be pleased to restrain the Respondents by an order of injunction from carrying out any construction activities in respect of the proposed New road joining Satara and Pune paralal (sic) to National Highway No.4, through Gat No.390, 389, 388 and 387, 386, 383, 384, 261 in Village Vele, Taluka Wai, District Satara;

(d)..."

3. The case of the petitioners, in short, is that the respondents are carrying construction activities for the proposed new road joining Satara and Pune parallel to National Highway No.4 on their land without initiating acquisition proceedings.

4. On behalf of the respondent No.2, one Suhas D. Chitnis, the Project Director of National Highways Authority of India has filed an additional affidavit-in-reply dated 13th December, 2017. Paragraph 3 of the affidavit discloses that notification under Section 3-A of the National Highways Act, 1956, (for short "the said Act") is issued on 14th August, 2017. The petitioners' lands are included in this notification. Mr. Gujar, learned counsel for the respondent No.2 submitted that the petitioners have filed objection to the notification under Section 3-A of

the said Act on 15th September, 2017 and 6th November, 2017, and thereafter, the competent authority has issued notice dated 22nd January, 2018, to the petitioner under Section 3-C (2) of the said Act. The learned counsel for the respondent No.2 submitted that the objections would be heard, and thereafter, appropriate decision would be taken.

5. Mr. Sorankar, learned counsel for the petitioners, submitted that the said notice under Section 3-C(2) of the said Act issued to the petitioners presupposes that the petitioners have given objections on 6th September, 2017. Mr. Sorankar, having taken instructions from his clients who he present before the Court, submitted that the petitioners have never given any objections on 6th September, 2017.

6. Mr. Gujar, learned counsel for the respondent No.2 submitted that if that be so, the petitioner may be permitted to give fresh objections under Section 3-C(1) objecting the notification under Section 3-A and this objection would be considered under sub-section (2) of Section 3-C of the said Act.

7. Mr. Sorankar, learned counsel submitted that the petitioners would raise the objections to the notification issued under

Section 3-A of the said Act within a period of two weeks from today. The statement is accepted.

8. In the event such objections are raised, the respondent No.2 shall decide the same under Section 3-C(2) of the said Act after giving an opportunity of hearing to the petitioner.

9. In the light of the above directions, the grievance of the petitioner, no more survives. The writ petition is, accordingly, dismissed.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]