

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3698 OF 2013

Bhopinder Singh S/o Sadhu Singh Parmar,
Age 62 years, Occ.Business,
R/o 9, Greenpark Colony,
Opposite Railway Station,
Dhule.

..PETITIONER

VERSUS

1. Union of India
Road Transport & Highway Department,
Through Secretary
New Delhi
2. G.M.(T) and Project Director,
Project Implementation Unit
Dhule, Survey No.10/2,
Plot No.11, Mansaram Nagar,
Sakri Road, Dhule,
Taluka & District Dhule
3. Competent Authority,
Land Acquisition,
NH-6, Deputy Collector,
Land Acquisition(General),
Collector Office, Dhule.
4. The State of Maharashtra,
Through the Collector, Dhule
5. The Project Manager,
L & T Great Eastern Highway Limited,
Registered office address-
P. B. No. 979, Mount Poonamalle
Road, Manapakkam, Chennai -89

(2)

6. Chandrakant Sinha,
Age 45 years, Occu. Service,
R/o. Plot No. 46, Gopal Nagar,
Jamnagiri Road, Dhule,
Tq. and Dist. Dhule
7. Meena W/o Chandrakant Sinha,
Age: 37 years, Occu.: Medical Practitioner,
R/o. Plot No. 46, Gopal Nagar,
Jamnagari Road, Dhule,
Tq. and Dist. Dhule.
8. M/s Balaji Developers,
A Partnership Firm,
having its registered office at
Shop No. F-25, First Floor,
Garud Maidan Complex, Sakri Road,
Dhule, Through its Partner,
Meena W/o Chandrakant Sinha
9. The Collector, Dhule,
Tq. and Dist.Dhule
10. The Tahsildar, Dhule,
Tq. and Dist. Dhule

..RESPONDENTS

Mr M. S. Kulkarni, Advocate for petitioner;
Mr A. B. Dhongade, Standing Counsel for respondent No.1;
Mr D. S. Manorkar, Advocate on behalf of M.V. Kini & Co. for
respondent No.2;
Mr S. P. Sonpawale, AGP for respondents/State;
Mr Sandeep S. Deshmukh, Advocate for respondent No.5;
Mr A. D. Soman, Advocate for respondent No.6;
Mr D. S. Bagul, Advocate for respondent No.8

**WITH
WRIT PETITION NO. 1116 OF 2015**

1. Atul Ramesh Ajmera,
Age: 47 years, Occu.: Business & Agril,
R/o. Plot No. 17, Saraswati Colony,
Deopur, Dhule, Tq. & Dist. Dhule

(3)

2. Amol Bhatu Chaudhari,
Age: 32 years, Occu: Business,
R/o. Plot No.23, Wakharkar Nagar,
Dhule, Tal. & Dist. Dhule

..PETITIONERS

VERSUS

1. Union of India,
Ministry of Road Transport & Highways,
Through Secretary,
New Delhi

2. National Highway Authority
Of India, through G.M.(T) and
Project Implementation Unit,
Dhule, Survey No.10/2,
Plot No.11, Mansaram Nagar,
Sakri Road, Dhule, Tq. & Dist. Dhule

3. Competent Authority,
Land Acquisition, NH-6,
Deputy Collector,
Land Acquisition(General),
Collector Office, Dhule.

..RESPONDENTS

Mr P. R. Katneshwarkar, Advocate for petitioners;
Mr A. B. Dhongade, Standing Counsel for respondent No.1;
Mr D. S. Manorkar, Advocate for respondent No.2;
Mr S. P. Sonpawale, A.G.P. for respondent No.3

WITH
WRIT PETITION NO. 3715 OF 2013

Pradip Jayprakash Patil,
Age 38, Occu: Agriculture, Business,
R/o Awadhan,
Taluka & District Dhule

..PETITIONER

VERSUS

(4)

1. Union of India,
Road Transport & Highways Department,
New Delhi (Through its Secretary)
2. National Highway Authority
of India, G5 and G6 Sector, 10,
Dwarka, New Delhi - 110075
3. G M (T) and Project Director,
Project Implementation Unit,
Dhule, Survey No.10/2,
Plot No.11, Mansaram Nagar,
Sakri Road, Dhule, Taluka &
District Dhule
4. Competent Authority,
Land Acquisition, NH-6,
Deputy Collector,
Land Acquisition (General),
Collector Office, Dhule
5. The Project Manger,
L & T - GEHL, Balaji Nagar,
Near Circuit House &
Mansaram Nagar,
Sakri Road, Dhule
6. The State of Maharashtra
7. The Collector,
Dhule
8. The Tahasildar, Dhule
9. The Talathi,
Awdhan, Tq. & Dist. Dhule
10. Balaji Developers,
Through the partner
Sunil Kedar Pawar,
R/o. Plot No.21, Shivaji Nagar,
Wadibhokar Road, Deopur,
Dhule.

11. Chandrakant Mohan Sinha
Age 40 years, Occ. Service,
Manager (Technical), Project
Implementation Unit, Dhule,
Survey No. 10/2, Plot No.11,
Mansaram Nagar, Sakri Road,
Dhule.
12. Sau. Mina Chandrakant Sinha,
Age: 38 years, Occ.:Business,
R/o. Plot No. 46, Gopal Nagar
Jamnagiri Road, Dhule
13. Milind Padmakar Mudawadkar,
Age 40 years, Occ.:Business,
R/o. Sai Krupa, Gulmohor Colony,
Wadibhokar Road,
Deopur, Dhule
14. Swati Milind Mudawadkar,
Age : 36 years, Occ.:Business,
R/o Sai Krupa, Gulmohor Colony,
Wadibhokar Road,
Deopur, Dhule
15. Ranjana Purushottam Kotkar,
Age :37 years, Occ.:Business,
R/o. Plot No.35, Shiv Parwati Colony,
Vidyanagari,Dhule
16. Purushottam Somnath Kotkar,
Age: 42 years, Occ.:Business,
R/o. Plot No.35, Shiv Parwati Colony,
Vidyanagari, Dhule
17. Yogita Sunil Pawar,
Age : 37 years, Occ. Business,
R/o. Plot No. 21, Shivaji Nagar,
Wadibhokar Road, Deopur, Dhule
18. Sunil Kedar Pawar,
Age 42 years, Occ. Business,

(6)

R/o. Plot No. 21, Shivaji Nagar,
Wadibhokar Road, Deopur, Dhule

19. Asha Shivkumar Dongare,
Age : 43 years, Occ. Business,
R/o. Plot No. 4, "Anu", Sushant Colony,
Wadibhokar Road, Deopur,
Dhule.

..RESPONDENTS

Mr B. R. Waramaa, Advocate for petitioner;
Mr A. B. Dhongade, Standing Counsel for respondent No.1;
Mr D. S. Manorkar, Advocate for respondent Nos.2 & 3;
Mr S. P. Sonpawale, AGP for respondents/State;
Mr Sandeep S. Deshmukh, Advocate for respondent No.5;
Mr D. S. Bagul, Advocate for respondent No.10;
Mr A. D. Soman, Advocate for respondent No. 11

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 21st September, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the parties at length.

2. The grievance submitted before us by learned Counsel for the petitioners is two fold. Insofar as the first grievance is concerned, it is submitted that the petitioners have raised a challenge to the notification dated 27th October, 2011, to submit that the provisions of the National Highways Act, 1956 are not followed.

(7)

3. Learned Counsel appearing for respondent No.2 - G.M.(T) and Project Director, Project Implementation Unit, Dhule, submitted before this Court that post filing of the petitions, the petitioners participated in the proceedings of land acquisition and permitted their lands to be acquired and also accepted the compensation against acquisition of lands. It is also submitted by the learned Counsel for respondent No. 2 that major work of the road, for which the exercise of acquisition of land was undertaken, is completed. In view of these facts, we see no reason at this stage to entertain the challenge raised by the petitioner to the notification dated 27th October, 2011. As such, on that count, the petitions fail.

4. Insofar as the other ground raised by learned Counsel for the petitioners is in the form of the action of respondent No.6 - Shri. Chandrakant Sinha. It was submitted by the learned Counsel for the petitioners that respondent No.6 - Shri. Chandrakant Sinha permitted his wife i.e. respondent No.7 - Mrs Meena Chandrakant Sinha to be a partner in the development firm i.e respondent No.8 - M/s Balaji Developers and this firm purchased the land to the large extent adjacent to the proposed road and this land was then subjected to acquisition proceedings, thereby respondent No.6 - Shri. Chandrakant Sinha indulged in an act, which is prejudicial to the interest of the

(8)

State. It is also submission of learned Counsel for petitioners that, by this act the respondents Nos.7 and 8 i.e. wife of respondent No.6 - Shri. Chandrakant Sinha and the firm Balaji Developers were successful in taking undue advantage of the position of respondent No.6 - Shri. Chandrakant Sinha, thereby causing loss to the public exchequer and at the same time, a gain for themselves.

5. Mr Kulkarni, learned Counsel for the petitioner in Writ Petition No.3698 of 2013 then fairly submits that though the aforesaid grounds are raised and the parties are added, there is no consequential prayer in the petition and he orally prays that the grievance be considered by this Court and the petitioner be permitted to approach the State Government, raising this grievance to the competent authority of State of Maharashtra or any law enforcing agency. The Oral prayer is allowed and we permit the petitioner to take appropriate course of action as available under the law.

The writ petitions are disposed of accordingly.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)