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

WRIT PETITION NO. 11793 OF 2018

Dhanaji Dattu Mhaske .. Petitioner
Vs.
The Union of India & Ors. .. Respondents

Mr. S. S. Shah for the Petitioner.
Mr. Vijay Patil for Respondent No.3.
Mrs. P. N. Diwan, AGP for the Respondent No.4-State.

CORAM : R. M. BORDE & V. L. ACHLIYA, JJ.
DATE : 22nd JANUARY, 2019.

P. C. :

1. An Affidavit has been presented on behalf of Respondent No.3- Executive Engineer, Maharashtra State Road Development Corporation Ltd. In paragraph 4 of the Affidavit-in-Reply it is recorded thus:

“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 27/07/2017 for acquisition of the land for the purpose of road upgradation. I say that the Petitioner’s land bearing Gat No. 203/1 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, further ground verification and inspection of the road alignment, has been undertaken and it is found that the Petitioner’s land Gat No. 203/1 would be affected by bridge approaches work during the upgradation of the road. I say that Petitioner’s land Gat No. 203/1 would be included in the revised land acquisition proposal which is being prepared. I therefore say 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. 203/1 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 deny that any threat was given to the Petitioner by officers of Respondent No.3 that a JCB would be forcibly put in the Petitioner's land. I submit that no direction is necessary from this Hon'ble High Court and the petition be disposed off accordingly."

2. In view of the undertaking recorded in paragraph 4 of the Affidavit-in-Reply presented on behalf of Respondent No.3, the grievance raised by the Petitioner in the instant Petition does not survive and the Petition deserves to be disposed of.

3. The Petition is, accordingly, disposed of.

[V. L. ACHLIYA, J.]

[R. M. BORDE, J.]