

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

917 WRIT PETITION NO.1037 OF 2020

1. Priyanka Swayam Ajmera,
Age: 32 yrs. Occu. Household,
R/o. Marwadgalli, Osmanabad.
Tq. & Dist. Osmanabad.

2. Iti Saurabh Ajmera,
Age: 30 yrs, Occu. Household,
R/o. As above.

.. PETITIONERS

VERSUS

1. The Competent Authority
and Deputy Collector,
Land Acquisition Manjara Prakalp
Osmanabad, Osmanabad
Tq. & Dist. Osmanabad.

2. Project Director
Rashtriya Mahamarg Pradhikaran
Prakalp Karyanvyan Unit
Nanded, Bharadwaj Vyankatdhari
Nagar, Near Ayodya Nagari
Malegaon Road, Taroda Khurd,
Nanded-05.

.. RESPONDENTS

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Mr.A.S.More, Advocate for the petitioners.

Mr.A.B.Dhongade, Standing Counsel for respondent no.1.

Mr.A.V.Sakolkar, Advocate holding for Ms.V.T.Sakolkar,
Advocate for respondent no.2.

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**CORAM : RAVINDRA V. GHUGE &
S. G. MEHARE, JJ.**

DATED : 21.09.2021

PER COURT :

1. By this Petition, the petitioner has put-forth prayer clause-B, which reads as under :-

(B) This Hon'ble court may be pleased to issue a writ of mandamus or any other appropriate writ, order or directions in the like nature, directing the respondent No. 1 & 2 to pay the compensation to the petitioners in respect of their acquired land admeasuring 11 R from gut No.142/2 situated at Tuljapur, Tal. Tuljapur, Dist. Osmanabad and for that purpose necessary orders may kindly be issued.

2. While issuing notice, this Court had recorded that the petitioners claimed that 11 R. land is affected by road widening. No interim relief was granted.

3. Having heard the learned counsel for the respective sides for quite sometime, we find that the re-joint measurement, the details of which are before us at page-13 in the petition paper book, has been disputed by the National Highways Authority. Vide communication dated 24.02.2021

addressed to the Competent Authority and the Deputy Collector, Manjara Project, the GM Technical of respondent no.2 requested the Competent Authority to take the assistance of the District Superintendent of Land Records, Osmanabad to verify the merits of the re-joint measurement report produced by the Deputy Superintendent of Land Records, Tuljapur.

4. We find that there are several disputed questions, inasmuch as, the very title of the petitioners to the land admeasuring 11 R. in Gat No.142/2 at Tuljapur is questioned. At the stage of 3D enquiry under the National Highways Act, the authorities find that the land, claimed by the petitioners to be belonging to them, is actually a road and the land is of 'Government entity'.

5. We have no doubts that we cannot entertain disputed questions and more so when the title of the claimants is questioned. Such issues could be considered for adjudication only by the Competent Civil Court. This Petition, therefore, need not be entertained.

6. However, as we find that as the G.M. Technical and Project Director of the National Highways Authority of India has advised the Competent Authority and the Deputy Collector, Manjara Project, by his communication dated 24.02.2021, to take assistance of the Deputy Superintendent of

Land Records to verify the merits of the re-joint measurement report, it would be appropriate for respondent no.2 to make one more effort as is set out in paragraph 5 of the communication dated 24.02.2021. Thereafter, if disputed issues still remain unresolved as to whether, the land claimed by the petitioners is a Government land, the claimants would be at liberty to approach the Competent Civil Court, to seek redressal.

7. In view of the above, this Petition is disposed off.

[S. G. MEHARE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE

DDC