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

901 WRIT PETITION NO.3023 OF 2020

JAHED WAZIR PATEL AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS

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Mr S. C. Arora, Advocate for petitioners;
Mr A. G. Talhar, ASGI for respondent Nos.1 & 4;
Mr S. B. Yawalkar, A.G.P. for respondent No.3

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

DATE : 8th September, 2021

PER COURT:

1. On 21st February, 2020, when this Court passed the first order, it was observed as under :-

“1. The 3D Notification under National Highways Act is no yet issued. The letter dated 27.09.2019 of the Competent Authority to petitioners clarifies that the gut numbers are mentioned in the Notification, however, the area of individual claim is not mentioned. The Joint measurement would be conducted and thereafter 3D Notification would be published.

2. We do not find anything on record to demonstrate that 3D Notification has been

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published. The learned counsel for petitioners shall take instructions as to the joint measurement and the publication of 3D Notification.

3. Place the matter on 30.03.2020.”

2. We granted time to the respondents on 06/09/2021 to take instructions as to whether they can demonstrate that a notice under Section 3D of the National Highways Act, has been issued. It is an admitted position in view of the instructions received by the learned Advocate for the respondents that the notification under Section 3D is yet to be issued.

3. In view of the above, this petition is disposed off. However, we find it appropriate to record that the petitioners would be at liberty to avail of a remedy as is permissible in law in the event, they are desirous of approaching the Statutory Authority in view of possession of their lands already having been taken over.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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