

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3641 OF 2017

Sarla w/o Bhagwan Toshniwal and ors.

-vs-

State of Maharashtra, Thr. Secretary, Urban Development Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. Anilkumar, Advocate for petitioners.

Shri D. P. Thakare, Additional Government Pleader for respondent
Nos.1 to 4.

Shri A. A. Kathane, Advocate for respondent No.6.

CORAM : A. S. CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.

DATE : September 23, 2021

On 14/09/2021 the respondent Nos.2 to 4 were directed to file an affidavit indicating as to whether acquisition proceedings for the land owned by the petitioners have commenced and if not the period within which the same would be so commenced. Today Shri D. P. Thakare, learned Additional Government Pleader for the respondent Nos.1 to 4 submits that he has received copy of affidavit sworn by respondent Nos.2 and 4 through e-mail. He has tendered copy of print out of that affidavit for perusal. In paragraph 4 thereof it has been stated as under :

4] It is humbly submitted that, the office of the Collector, Buldana vide order dated 17.09.2021 directed the Executive Engineer, National Highway Department Akola to comply documentary process to initiate the proceedings of land acquisition within stipulated time and comply the order of the Honourable High Court and the directions issued by the Divisional Commissioner Amaravati. It is submitted that, in

*pursuance of the order dated 17/09/2021, office of the Executive Engineer, National Highway Department Akola vide letter dated 20.09.2021, communicated that the required documentary procedure under National Highway Act, 1956 to initiate the land acquisition proceeding will be complied within 60 days with CALA. A copy of the order dated 17.09.2021 and letter dated 20.09.2021 are hereby collectively attached as **Annexure R2-1** for kind perusal of the Honourable High Court.*

From the aforesaid it is clear that on 17/09/2021 the Collector, Buldana has issued a letter appointing the Competent Authority for land acquisition who is the Sub-Divisional Officer. The acquisition proceedings are directed to be initiated as per provisions of National Highway Act, 1956. It has been stated that the procedure in that regard will be completed within period of 60 days by the said Competent Authority.

Accepting aforesaid statements made on behalf of respondent Nos.2 and 4, we find that the grievance of the petitioner in the present proceedings stands resolved.

Accepting aforesaid statements which will be binding on the respondents the writ petition is disposed of.

The learned Additional Government Pleader to place hard copy of the aforesaid affidavit on record within period of one week from today.

JUDGE

JUDGE