

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2732 OF 2022

Santosh Krushnarao Kadam ... **Petitioner**
V/s.
State of Maharashtra & Ors. ... **Respondents**

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Mr. Gaurav Potnis i/b. Pallavi Potnis, Advocate for the Petitioner.

Mr. R. S. Pawar, AGP for the Respondent Nos.1 to 3 & 5.

Mr. Rakesh L. Singh i/b. M. V. Kini & Co. Mr. Chandan Athani i/b. Hinge & Deshmukh Associates, Advocate for the Respondent No.4/ NHAI.

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**CORAM : S. V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : 14th MARCH 2022.

P.C.

1. The petitioner seeks injunction against the respondent from taking possession of property Gat No. 234 situated at Nasrapur, Taluka-Bhor, District-Pune.

2. According to learned Counsel for the petitioner, National Highway Authority of India has taken over possession of part of Gat No. 234 of the petitioner's land without resorting to the acquisition as contemplated in the National Highway Authority Act.

3. We have heard learned Counsel for the respondent.
4. Mr.Pawar, learned AGP, on instructions, submits that the National Highway Authority has not taken possession of any part of Gat No. 234 situated at village Nasrapur, Taluka-Bhor, District-Pune.
5. According to us, the petition is per-mature. The petitioner ought to have got measured the property which according to him is being affected by the act of National Highway Authority as alleged by the petitioner.
6. Be that as it may, the petitioner may get the land measured through TILR and/or Competent Authority with due notice to the National Highway Authority and all interested parties. The petitioner shall pay the measurement fee for the same.
7. Upon receipt of the application from the petitioner, the office of the TILR/Competent Authority shall after giving notice to the National Highway Authority and all interested parties measure the land Gat No.234 of village Nasrapur, Taluka-Bhor, District-Pune preferably before end of May 2022.
8. The writ petition is disposed of.
9. Depending upon the report of TILR, the parties may take further steps as may be permissible under law.

(VINAY JOSHI J.)

(S. V. GANGAPURWALA J.)