

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**MISC. CIVIL APPLICATION (REVIEW) NO. 519 OF 2022
IN
WRIT PETITION NO. 2981 OF 2021**

National Highways Authority of India & Anr.

-- Petitioners /
Applicants

Vs.

Sub-Divisional Officer and others

-- Respondents

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.M. Ghare & Mr. A.A. Kathane, Advocate for Petitioners

CORAM : MANISH PITALE, J.

DATE : 29th SEPTEMBER, 2022

Heard Mr. A.M. Ghare, learned counsel appearing for the petitioner – the National Highway Authority of India i.e. review applicant in the present application.

2. By this application, the applicants are seeking review of the judgment and order dated 28/04/2022, passed by this Court, whereby Writ Petition No. 2981/2021, was dismissed and the order impugned therein was upheld.

3. The learned counsel appearing for the applicant invited attention of this Court to various documents already on record of the aforesaid writ petition, in order to demonstrate that there had been an error apparent on the face of the record. It was submitted that the objections which were entertained by the respondent – Sub-Divisional Officer were pertaining to an earlier Notification in respect of which objections had been

already considered and disposed of. On this basis, it was submitted that the entire matter needs to be looked at from a different angle, indicating that the judgment and order passed by this Court may need a relook.

4. In order to demonstrate that the applicants are bonafide approaching this Court and seeking review, an offer is made on behalf of the applicants to deposit the amount of compensation in this Court. This Court has considered the contentions raised on behalf of the applicants in the light of the documents highlighted in that behalf by the learned counsel. The findings rendered by this Court, *inter-alia*, are based on reports prepared by responsible officers of the revenue, in the presence of the officers of the applicant - National Highways Authority of India, which clearly indicate that a part of the land belonging to the claimants was indeed utilized for construction of part of the National Highway. The claimants having been deprived of their land for construction of part of the National Highway, it cannot lie in the mouth of applicants that the findings rendered in the judgment and order dated 28/04/2022, passed in Writ Petition No.2981/2021, deserve to be reviewed. No error apparent on the face of the record, was demonstrated in this application. Therefore, the application is found to be without any merit and accordingly, the application is dismissed.

JUDGE