

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

WRIT PETITION NO. 3144 OF 2022

(Gramin Vikas Krukat Palan Sanstha Ltd., Panchgaon, Tq. Umred, Dist. Nagpur Vs. The Collector, Civil Lines, Nagpur & Ors.)

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

Court's or Judge's order

Shri N.D. Khamborkar, Advocate for the petitioner.

Shri D.P. Thakare, Additional Government Pleader for respondent No.1/ State.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : AUGUST 17, 2022.

The petitioner which is a co-operative Society claims to have purchased land admeasuring 3 hectares 36 ares at Village – Pachgaon, Taluka - Umred, District - Nagpur for running a poultry farm. Part of that land came to be acquired for construction of the State Highway. The Society has received compensation towards acquisition of portion of that land. However, by this Writ Petition, the Society seeks compensation of Rs.5,90,00,000/- (rupees five crore ninety lakh) for the damage caused to the property of the Society as well as other damages towards usage charges.

We find that in writ jurisdiction, it would not be feasible to determine the amount of compensation sought by the petitioner. Under the provisions of Section 3-G(7) of the National Highways Act, 1956, remedy is available to claim damages sustained while taking possession of the land or while undertaking development of that land.

In that view of the matter, with liberty to the petitioner to invoke remedy available in law other than extraordinary jurisdiction, the Writ Petition is disposed of. All points raised in the Writ Petition are kept open.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

SUMIT