

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

9 WRIT PETITION NO.10283 OF 2023

**SUMAN GOVIND RATHOD
VERSUS
THE NATIONAL HIGHWAY AUTHORITY OF INDIA
THR ITS SECRETARY AND ORS**

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Advocate for Petitioner : Mr. N. R. Pawade, Mr. L. C. Patil
Advocate for Respondents 1 and 4 : Mr. R. B. Bhosale
Advocates for Respondents 2 and 3: Mr. S. S. Ladda & Mr. S.S. Varma
AGP for Respondent No.5: Mr. S.G. Karlekar

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 16th October, 2023

ORDER:

1. We direct the Petitioner to add the Superintendent of Land Record, Aurangabad as Respondent No.5. Addition to be carried out forthwith. Issue notice to Respondent No.5. The learned AGP waives service on behalf of the added Respondent No.5.

2. In order to avoid making any observation which is likely to influence the authorities concerned, we are not adverting to the entire submissions of the learned Advocates of the respective sides. For the sake of brevity, we are reproducing prayer clauses (B) and (C) as under:

(B) By issuing writ of mandamus or any other appropriate writ, order or directions, the respondents be directed to pay the amount of compensation of petitioner excess acquired land in Gat No.536 admeasuring 550 sq. mtr. situated at village Jalkot,

Tq. Tuljapur, Dist. Osmanabad as per the report submitted by respondent No.4 dated 23rd July, 2021 and for that purpose necessary directions be issued.

(C) Pending admission, hearing and final disposal of this writ petition, the respondent No.3 be directed to pay the amount of compensation of petitioners excess acquired land in Gat No.536 admeasuring 550 sq. mtr. situated at village Jalkot, Tq. Tuljapur, Dist. Osmanabad as per the report submitted by respondent No. 4 dated 23rd July, 2021 and for that purpose necessary directions be issued.

3. Having considered the submissions of the learned Advocates and having perused the Petition paper book with their assistance, it appears that the Project Director, Solapur- Respondent No.3 herein, had issued a letter to Respondent No. 4 on 11.01.2018 indicating the mess that was created on account of excess compensation towards acquisition of land, having been purportedly paid to Shri Satish Pise and Shri Santosh Kashinath Darekar. Per contra, the compensation paid to the Petitioner was for a lesser area of land as compared to the actual land belonging to her, that was acquired.

4. Pursuant to this letter, Respondent No.3 addressed Respondent No.4 by a communication dated 27.08.2021, requesting that immediate steps be taken in order to redress the grievance of the Petitioner. A further letter was issued on 18.11.2021. Respondent No.4 addressed Respondent No.5 vide communication dated 19.03.2021 praying for re-measurement of the land and once again a letter dated

05.09.2023 was addressed to Respondent No.5. We also find from the communication addressed by the Deputy Superintendent of Land Record Tuljapur addressed to Respondent No.5 dated 19.03.2021, that the measurement of the land carried out earlier indicates that the Petitioner needs to be paid compensation for 550 square meters of land which was shown in deficit as per the actual acquisition of the land.

5. In view of the above, **this Petition is disposed off** with the following directions:

- (a) Respondent No.5 shall follow the due procedure laid down in law and shall issue notice to all the stakeholders, fixing a date for carrying out measurement of the acquired land. The notice period shall not be less than five days.
- (b) After the land is remeasured in the presence of the parties with due notice, necessary formalities as prescribed in law shall be completed and a report shall be submitted to the competent authority.
- (c) If excess land of the Petitioner has been acquired, appropriate steps shall be initiated to ensure that the compensation is paid to her within 120 days from the report of respondent No.5. For clarity, Respondent No.5 shall submit his report within 10 days from the date of the measurement.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)