

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

WRIT PETITION NO.8115 OF 2019

MOHAMMAD GAUS HAZI MAHEMOOD PROPRIETOR OF RAJAT
INDUSTRY GEORAI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. M.R. Andhale
AGP for Respondent Nos. 1 and 3 to 6: Mr. S.B. Yawalkar.
Advocate for respondent No.2 : Mr. Rahul Bagul h/f. Mr A.G. Talhar.

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 28th APRIL, 2023

P.C.:-

The case of the petitioner is that, he is owner of land Gat No. 169, part of which to the extent of 6R was acquired for construction of National Highway No. 211. According to him, the total area of land Gat No.169 which was in his possession, was 30.25 Hectares. He would urge that though land to the extent of 16R was earmarked for acquisition, compensation is only paid for 6R of land and for remaining 10R land, no compensation is paid to the petitioner. As such, the sum and substance of the contention of the counsel for petitioner is that, though the land to the extent of 16R was acquired because of the implementation of the project by National Highway Authority in relation to the land Gat No. 169, the compensation is paid only for 6R.

2. When confronted, the counsel for petitioner submits that he

has already requested the respondent authorities to get the land measured and pay appropriate compensation. In that view of the matter, as far as the aforesaid submissions are concerned, same are resisted by the counsel for respondents.

3. In the aforesaid background, having regard to the representations which are preferred by the petitioner, we deem it appropriate to grant liberty to the petitioner to apply for measurement of the land Gat No. 169. Once such application is moved by the petitioner to the competent authority, we direct the respondent No.3 – competent authority to measure the land by issuing notices to all concerned. In case the National Highway Authority has any objection to the outcome of the measurement made at the instance of the petitioner, it shall be open for them to take recourse to the remedy as available in law.

4. In view of above observations, writ petition is not pressed. Same stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE

grt/-