

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.12753 OF 2021**

**GIRJARAM FULCHAND KANHERE
VERSUS
THE UNION OF INDIAN AND OTHERS**

...

Mr. P. B. Patil, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

Ms. Nikita N. Gore, Advocate for Respondent Nos.1 and 3.

Mr. D. S. Manorkar, Advocate for Respondent No.4.

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

DATE : 19th APRIL, 2023.

P.C:-

1. The petitioner has purchased the undivided share from the land bearing Gut No.198 which according to him was subjected to acquisition by the respondents for the construction of National Highway. It is claimed that vesting of such title in the petitioner is by virtue of registered sale deed dated 26th March, 2003. He would, as such, urge that instead of paying compensation to the petitioner, the co-sharer Ramdas was given compensation without ascertaining the right of the petitioner as his land which is specifically described in the aforesaid sale deed is affected by the alignment of the National Highway.

2. Once the petitioner has not disputed the factual matrix that he is purchaser of the undivided share from the land Gut No.198 and the petitioner having failed to establish that the alignment of the National Highway has affected his holding, we

do not deem it appropriate to cause interference in Writ jurisdiction thereby directing the respondents to award compensation to the petitioner.

3. Writ Petition accordingly fails and stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE