

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 945 OF 2023

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Thr. POA Sarjerao K.Jadhav & Ors.

..... Petitioners

VERSUS

National Highway Authority of India & Ors. Respondents

Mr.Rajiv Patil, Senior Advocate a/w. Ms.Rekha Musale, Mr.Ojas Kocharekar i/b. Mr.Nitin L.Rajguru for the Petitioners.

Mr.Rakesh L.Singh a/w. Ms.Heena Shaikh, i/b. M.V.Kini & Co. for the Respondent Nos. 1 to 3.

Mr.V.S.Gokhale, 'B' Panel Counsel for the Respondent Nos. 4 to 6, 8 and 9.

CORAM: R. D. DHANUKA AND

GAURI GODSE, JJ.

DATE : 3RD MAY, 2023

P.C:-

By this petition filed under Article 226 of the Constitution of India, the Petitioners seek writ of certiorari for quashing and setting aside notification dated 31st May, 2022 issued by the Respondent No.7 under Section 3 (A) of National Highways Act and reconsider the representations or objections dated 20th October, 2022 and to take the decision accordingly.

2. The Petitioners also pray for writ of mandamus against the

Respondent Nos.1 to 4 to cancel the realignment i.e. Bypass approved in meeting dated 2nd September, 2017 and approve the existing alignment passing through Village Nimgaon Ketaki, Taluka Indapur, District Pune by approving underpass to the market place.

3. This matter was on board on 16th February, 2023 when this Court had *prima facie* observed that the submissions made by the learned counsel for the National Highway Authority has merit. The apprehension expressed by the Petitioners that their lands are bound to be acquired, is premature. This Court accordingly granted liberty to the Petitioners to raise all objections as per the law under Section 3-C of the National Highways Act, 1956 at the appropriate stage.

4. Mr.Patil, learned senior counsel for the Petitioners invited our attention to the order dated 10th April, 2023 passed by the competent authority thereby rejecting the objections raised by the Petitioners by recording various reasons. The Petitioners have sought to impugn the said order rejecting the objection raised by the Petitioners. The apprehension of the Petitioners is that after rejecting those objections under Section 3-C of the National Highways Act, 1956, the

Respondents may proceed further by taking steps under Section 3-D and subsequent steps so as to acquire the land of the Petitioners.

5. After considering the objections raised by the Petitioners, the Competent Authority has rejected those observations. The land in question does not relate to only the land of the Petitioners. The land is acquired for realignment of bypass for National Highway. Having considered the objections raised by the Petitioners after recording the reasons, we do not find any infirmity with the reasons recorded and rejecting the objections raised by the Petitioners. If the objections are required to be looked into by this Court at this stage as sought to be canvassed by the learned senior counsel for the Petitioners, the entire project would be stalled.

6. Writ petition is devoid of merit and is accordingly dismissed.

7. The right of the Petitioners, if any, to claim the compensation would be considered on its own merits.

[GAURI GODSE, J.]

[R. D. DHANUKA, J.]