

HUSENBASHA
RAHAMAN
NADAF

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Date: 2023.08.02
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9142 OF 2023

Dnyanoba Genu Marne And Ors.

...Petitioners

Versus

State Of Maharashtra Through The Chief Secretary,
Mantralaya, Mumbai And Ors.

...Respondents

Mr. Gaurav Potnis i/b. P.H. Potnis, for Petitioners.

Ms. M.S. Bane, AGP, for State/Respondent Nos. 1 to 3.

CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.

DATE : JULY 31, 2023

P. C.

1. By the above Writ Petition, a direction is sought for quashing and setting aside the notice dated 26.06.2023 to the limited extent of the deduction of 10% Nazrana amount payable by the Petitioners.

2. We have perused the notice which is found at page 118 of the paper book. What this notice essentially states is that the Petitioners are called upon to enter into an agreement with the Government for the acquisition of their property U/s. 19(B)(2) of the Maharashtra Highways Act, 1955 (for short "**the said Act**"). In this notice, the calculation of the amount proposed to be paid is also set out. The notice further states that if the Petitioners are not agreeable, the State would proceed to pass an

Award and compulsorily acquire the land by invoking the provisions of section 19(B)(3) of the said Act.

3. It is stated before us by Mr. Potnis that the Petitioners are not agreeable to have their lands acquired U/s. 19(B)(2) of the said Act. Once this is the case, then obviously the State would acquire the land U/s. 19(B)(3) of the said Act by following the due process of law. Therefore, there is no question of quashing the notice impugned in the present Petition. If and when an Award is passed and if Nazrana is deducted, that would be a whole separate matter which the Petitioners would be entitled to challenge in the appropriate proceedings.

4. In these facts and circumstances, the above Writ Petition is dismissed. Under the normal circumstances, we would have imposed heavy costs on the Petitioners for filing such a frivolous Petition. However, considering that they are poor farmers, we restrain from doing so.

5. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]