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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7698 OF 2021

Ramchandra Sampat Mane ... Petitioner

vs.

The Union of India and Ors ... Respondents

Mr. Yogesh Pande, for the Petitioner.

Mr. T.J. Pandian, for the Respondent Nos. 1 to 3 and 8.

Mr Rajan S. Pawar, AGP for Respondent Nos. 4 to 7 and 9.

**CORAM : R. D. DHANUKA AND
GAURI GODSE, JJ.**

DATED : 14 MARCH, 2023

P.C. :-

1. By this Petition, Petitioner filed under Article 226 of the Constitution of India seeking Writ of Mandamus against Respondent Nos. 1 to 6 to take appropriate steps to make payment of compensation to the Petitioner as per public notice/ award dated 10th February 2020.

2. There is a serious dispute about measurement between the parties across the bar. We have perused the orders passed by this Court on 6th April 2022 and also 4th October 2022 regarding re-measurement of the land of the Petitioner. It is common ground that there is no award published by Respondent in view of the private negotiation that had been held.

3. It is clear that the process of acquisition was started by private negotiation. In view of the serious dispute between the parties, private negotiation could not be materialised. Mr Pandian, learned Counsel for the Railways on instruction states that since the private negotiation is not materializing Railways shall be granted permission to acquire land by following due process of law. Statement is accepted.

4. Writ Petition is disposed of by issuing following direction:

- i) The Respondent would be at liberty to adopt appropriate steps for acquiring the land of the Petitioner if so required by following the provision of law.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)