

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5048/2021

Smt. Nirmala V Deputy Collector, Land Acquisition (General), Nagpur and another

Writ Petition No.1470/2022

Kamalnath and another V Deputy Collector, Land Acquisition (General), Nagpur
another

Writ Petition No.1456/2022

Kailashnath V Deputy Collector, Land Acquisition (General), Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. R.D. Bhuibhar, Advocate for the petitioners.

Mr. S.P. Dharmadhikari, Sr. Counsel a/b Mr. A.A. Kathane, Advocate for
respondent 2.

Mr. S.M. Ukey, Addl.GP for respondent 1.

CORAM : Rohit B. Deo and M.W. Chandwani, JJ.
DATE : 20-07-2023

Heard.

2. The learned Counsel for the petitioners states on
the basis of instructions received, that the prayer clause (i)-

*"(i) issue an appropriate writ, order or direction to
quash and set aside the impugned order dated
06.09.2021 (Annexure-N) under Section 3G(1) of the
Act of 1956 passed by the Respondent, i.e. Deputy
Collector, Special Land Acquisition Officer (General),
Nagpur (Maharashtra) in Case No.33/A-65/2019-20,
to the extent of the acquired parcel of the land
belonging to the Petitioner;"*

is not pressed since the grievance can be agitated in arbitration
proceedings under Section 3G(5) of the National Highways
Act, 1956.

3. The ancillary and peripheral prayers are also not pressed, save and except that the petitioners are questioning the logic of the condition incorporated in the notice dated 09-12-2021 (Annexure-R) which directs the petitioners to obtain and submit the no objection from Mr. Vijay Bhagwan Shendurkar, Mr. Sanjay Baliram Meshram, Shashikala Govindlal Mohta, Mr. Dharamdas Mangluji Bhivgade, Kishor Laxmanraoji Panjare, Vinayak Krishnarao Waghdhare, Kailashnath Krishnarao Waghdhare, Nirmala Kailashnath Waghdhare, Mr. Kailashnath Krishnarao Waghdhare and Dharamdas Mangluji Bhivgade, which names incidentally includes the names of the petitioners also.

4. Mr. Bhuibhar, learned Counsel points out that the persons from whom the petitioners are asked to seek no objection have nothing to do with the land acquired and as a fact their names are not even reflected in the award which is passed.

5. The learned Additional Government Pleader Mr. Ukey states that presumably no objection is sought since the revenue record is not corrected and when the 3-D Notification was issued, the entire land was recorded in single 7/12 extract which probably includes the names of all the land owners.

6. Be that as it may, now that the award is passed, and it is not even the case of the respondents that there are some owners other than the petitioners in whose favour the award is passed, we do not see any rationale in the condition

imposed.

7. We therefore direct that the petitioners shall not be required to submit the no objection from the persons who are not referred to in the award.

8. Subject to the direction supra, all the petitions are disposed of, leaving all the contentions open for the petitioners to agitate in the arbitration proceedings.

JUDGE

JUDGE

Deshmukh