

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

WRIT PETITION NO.3407 of 2019

Liladhar s/o Namdeo Gaidhani

vs.

Union of India, through Ministry of Road Transport and Highways, New Delhi through
Secretary and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H.G.Katekar, Advocate for petitioner.

Shri Ujwal hasate, Advocate h/f Ms. PC.Bawankule, Advocate for respondent no.2.

Shri Amit Madiwale, Assistant Government Pleader for respondent no.3.

CORAM :- A.S.CHANDURKAR AND M. W. CHANDWANI, JJ.

DATE :- 23rd MARCH, 2023

The land of the petitioner to the extent of 0.75 hectare was the subject matter of acquisition at the behest of the respondent no.2. Award in that regard has been passed on 30.05.2009. Under the apprehension that additional land would be taken away and on account of portion of the petitioner's construction being demolished, the petitioner seeks grant of compensation for the alleged loss.

In the reply filed on behalf of the respondent no.2 it has been stated that insofar as the petitioner is concerned, his land from Survey No.396, Mouza Murmadi has been acquired and he has been paid compensation accordingly. It is further stated in paragraph 5 that no additional land of the petitioner has been acquired and whatever additional land came to be acquired culminated vide award dated 17.08.2020. No additional land of the petitioner came to be acquired. In paragraph 6 it is further stated that apprehension of the petitioner that extra land would be acquired by the respondent no.1 without following the due process of law is unfounded.

In view of statements made in paragraphs 5 and 6 of the affidavit in reply, it is clear that the respondents do not intend to acquire any additional land of the petitioner.

Insofar as the prayer for damages is concerned, it is open for the petitioner to seek such damages by adopting the due process of law before the appropriate forum since the same would require recording of and appreciation of evidence.

With aforesaid liberty, the writ petition is disposed of. No costs.

(M. W. CHANDWANI,, J.)

(A.S.CHANDURKAR, J.)

Andurkar..