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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

50 WRIT PETITION NO. 608 OF 2023

**DASRAO UTTAMRAO HAMBARDE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY  
AND OTHERS**

....

Mr V. D. Sapkal, Senior Advocate i/b Mr L. C. Patil, Advocate for  
Petitioners;

Mr R. S. Wani, A.G.P. for Respondent Nos.1, 3 & 4

Mr A. V. Patil Indrale, Advocate for Respondent No.2

**CORAM : RAVINDRA V. GHUGE  
AND  
Y. G. KHOBRAGADE, JJ.**

**DATE : 2<sup>nd</sup> January, 2024**

**PER COURT:**

1. The learned Senior Advocate along with Shri. Patil, on behalf of the Petitioners, draws our attention to Paragraph Nos.7, 8, 9 and 10 of the affidavit-in-reply filed by Shri. Vikram Rajaram Mane, Sub Divisional Officer/Land Acquisition Officer, Nanded, dated 13/06/2023. It is submitted that in the light of the contents of these paragraphs, this Writ Petition can be disposed off.

2. Paragraph Nos.7, 8, 9 and 10 of the affidavit-in-reply read as under :-

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*“7) The deponent submits that, insofar, as prayer clause-C is concerned, it is submitted that, said prayer made by petitioners is equally misconceived. Since, although the acquisition is question is under Maharashtra Highways Act, 1955, for such acquisition for the purpose of determination of market value of the acquired land, the provisions of right to fair compensation and transparency and land acquisition, Rehabilitation and Resettlement Act, 2013 are applicable particularly section 22 to 30. Hence, the said challenge of petitioners does not survive.*

*8) The deponent further respectfully says and submits that, insofar as prayer clause-D to the petition is concerned, it is submitted that, the compensation for the acquired land for the project in question would be worked out in accordance with law. More particularly, while calculating the rate the rate of sale-deed and ready-recknor rates would be considered comparatively and out of them the highest rate will be considered as market value for the acquired land same being the legal position. In that view of the matter, the prayer clause-D made by petitioners has no meaning in the eyes of law in the facts of circumstances of present case.*

*9) The deponent submits that, for the purpose of construction of the 'Samrudhi Mahamarg which is constructed from Mumbai to Nagpur and same is extended from Jalna to Nanded, there is a committee constituted by the State Government in terms of government resolutions dated 13/05/2015 and 29/05/2018 under the chairmanship of concerned District Collector and members of which are the concerned Government Officials. The basic job of the said committee is to finalize the rate of the acquired lands upon considering the legal provisions under law. Hence, the said committee will decide and finalize the rates of the acquired land in accordance with law pursuant to such proposal submitted by the deponent. In that view of the*

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*matter in the light to above facts and circumstances the apprehension expressed by the petitioners in terms of prayer clause-D is misplaced and imaginary.*

*10) The deponent further says and submits that, the contention of petitioners in the petition that, the objections raised by petitioners pursuant to the notification issued under the provisions of the Maharashtra Highways Act, 1955, has not been considered by the deponent is factually incorrect. It is submitted that, pursuant to the objections raised by the petitioners, said objections are considered and same are rejected thereby the report is submitted with the MSRDC which is the acquiring body. The report dated 10/02/2022 forwarded by the deponent is already placed on record by the petitioners. Upon considering the said report the notification under section, 18 of the Maharashtra Highways Act, 1955, in accordance with law came to be issued and thereafter, the further steps are taken in accordance with law to which the petitioners are unnecessarily opposing although the interest of petitioners and other similarly situated persons have been duly taken care of by the deponent, he being acting as a competent authority under the law.”*

3. In view of the above statements, **this Writ Petition is disposed off.**

**(Y. G. KHOBRADE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk