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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 394 OF 2023

JAGDISH RAMCHANDRA TAMBOLI
VERSUS
THE NATIONAL HIGHWAY AUTHORITY OF INDIA THROUGH ITS
PROJECT DIRECTOR AND OTHERS

Mr.D.S.Bagul, Advocate for the Petitioner.
Mr.D.S.Manorkar, Advocate for Respondent No.1.
Mr.R.B.Bhosale, Advocate for Respondent No.2.
Mr.S.K.Tambe, AGP for Respondent No.3.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JULY 4, 2024

PER COURT :

1. The learned Advocate for the Petitioner submits on instructions that the communication dated 22.07.2022, issued by the Deputy General Manager (Technical) Cum- Project Director, Project Implementation Unit, Dhule, addressed to the competent Authority, Land Acquisition – Cum – Assistant District Collector, Nandurbar, needs to be taken to a logical end. The NHAI has informed the said competent Authority to demarcate the area admeasuring 2645 Sq.Mtrs in Gat No.94/2 and 94/3, as published in the Central Gazette dated

28.10.2016 and which is a part of the award.

2. The contention of the Petitioner is that though he has received the compensation for 2645 Sq.Mtrs of acquired land, the total land belonging to him, that has been utilized for the said project, is 4919 Sq.Mtrs. He has already deposited the measurement charges with the competent Authority for measurement of 2274 Sq.Mtrs, which is over and above the 2645 Sq.Mtrs, that is a part of the amount. He submits that he is willing to deposit additional measurement charges for the whole Gat No.94.

3. The learned Advocate representing the NHAI and the learned Advocate representing Respondent No.2 Competent Authority, submit that such measurement can be carried out.

4. In view of the above, **this Writ Petition is disposed off** with the following directions :-

[a] The Petitioner shall visit the Office of Respondent No.3 on 10.07.2024 at 11.00 a.m. for assessing the measurement charges for Gat No.94, over and above the amount that he has already paid.

[b] Respondent No.3 shall keep the calculations ready by 10.07.2024 and intimate the Petitioner about the difference in the amount that has to be paid.

[c] The Petitioner shall deposit the said amount on or before 15.07.2024, as per the statement made before us.

[d] On 16.07.2024, Respondent No.3 shall issue a notice for measurement to all those stake holders who appear on record as being title holders of any portion of the land in Gat No.94 at Mouje Navapur, Tal.Navapur, Dist.Nandurbar.

[e] The date for measurement will be mentioned as 26.07.2024, in the said notice dated 16.07.2024.

[f] Respondent No.3 shall, thereafter, prepare a report and a sketch map and serve it on Respondent No.2, on or before 14.08.2024.

[g] Thereafter, the parties are at liberty to avail of such remedies as may be permissible in Law.

[h] In the event, any party remains absent despite service of notice for joint re-measurement, no objection on behalf of that party or at the behest of that party, shall be entertained by the concerned Authority, thereafter.

[i] Those who will be present for the joint re-measurement, shall

sign on the measurement sheet / panchanama. If they have any objections, they are at liberty to note down their objections.

[j] The directions set out in our order dated 28.02.2024, passed in Writ Petition No.194/2024, shall apply in the event any excess land of the Petitioner has been involved in the project.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)