



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

WRIT PETITION NO. 2724 OF 2022

**GOVIND NAMDEV MORE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. Vaibhav B. Dhage, Advocate for Petitioners
Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 and 2
Mr. R. R. Bangar, Advocate for Respondent No.3
Mr. N. P. Bangar, Advocate for Respondent No.4

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

DATE : 30.01.2024

PER COURT :-

1. We have heard the submissions of the learned Advocates for the respective sides and the learned AGP
2. Leave to add the Divisional Commissioner, Aurangabad as Respondent No.5. Addition be carried forthwith.
3. The learned Government Pleader appears on behalf of the added Respondent.

4. Following are the undisputed aspects :-

(a) The complainant Sadashiv Champatrao More is not seeking any apportionment of the quantum of compensation towards land acquisition and there is no such dispute before the competent authority under Section 3H(4) of the National Highways Act.

(b) The only allegation of Sadashiv Champatrao More is that the land of the Petitioners in Gat No.48, admeasuring additional 4 R, was purportedly acquired earlier for a canal and is now again being shown as having been acquired for NH-361. Certain reports have been delivered to the Additional District Collector and the said reports have been transmitted to the Divisional Commissioner. The Divisional Commissioner is dealing with the only issue as to whether the land of the Petitioners in Gat No.48 admeasuring additional 4 R was earlier acquired for the canal. If the Divisional Commissioner concludes in the negative, the acquisition of the Petitioners' land for NH-361 will have to result in grant of compensation to the Petitioners.

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

(a) Since Sadashiv Champatrao More is before the Divisional Commissioner, the said authority would issue notice to the

litigating parties, directing them to appear before him on 15.02.2024 at 11.00 a.m.

(b) After the hearing is concluded, the Divisional Commissioner would pass an order on or before 15.03.2024.

(c) The decision of the Divisional Commissioner would be communicated to the parties as well as to Respondent No.3, competent authority.

(d) If the conclusion of the Divisional Commissioner indicates that the land was never acquired earlier, Respondent No.3 would proceed to disburse the compensation amount to the undisputed claimants before him.

(e) Needless to state, if the interest component is payable, the Petitioners would be at liberty to receive the same as per Section 18 of the Land Acquisition Act.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]