



(1)

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

156 WRIT PETITION NO. 8430 OF 2023

MAHARUDRA VISHNU JADHAV AND OTHERS

VERSUS

UNION OF INDIA THROUGH SECRETARY AND OTHERS

....

Mr A. V. Jadhav, Advocate for Petitioners;

Ms Sudha Chintamani, Standing Counsel for Respondent Nos.1 &
3

Mr V. M. Kagne, A.G.P. for Respondent No.5

CORAM : RAVINDRA V. GHUGE

AND

R. M. JOSHI, JJ.

DATE : 8th April, 2024

PER COURT:

1. The Petitioners have put forth prayer clauses (A), (B),
(C), (D) and (E), which read as under :-

“A. Be pleased to call the Record proceeding from respondent No.3 in respect of Land Acquisition Proceeding initiated against the petitioners and further direct the respondents authorities to strictly adhered to the provisions of law while acquiring the lands of the petitioners de Novo and the process of acquisition did by the respondents authorities up till date to be quashed and revoked declaring the same to be not in consonance with law and mandate of constitution of India by issuing appropriate writ, directions and or order under its privileged and vast jurisdiction.

(2)

B. Be pleased to direct the respondents authorities to consider and decide the objections of the petitioners as raised by them through Exhibit "D" annexed herewith, while acquiring their lands sans relegating the petitioners to civil courts for unending litigation, and for that set aside adverse orders passed by the respondents on that objections.

C. Be pleased to direct the respondents authorities not to disturb the possession of the petitioners land and things attached to it, unless and until they determine the compensation after considering their objections.

D. Be pleased to direct the respondents authorities to consider the acquisition as provided under section 2(2) read with section 26(1)(c) of the Land Acquisition Act, by negotiation with petitioners and till then the petitioners possession of their lands should not be disturbed.

E. Be pleased to grant interim relief in terms of prayer Clause – 'C', thereby physical and constructive possession of the petitioners should not be disturbed, during pendency of the present petition.

2. The Notification with regard to acquisition of the land for the construction of the Ahmednagar-Solapur-Akkalkot National Highway, was published on 01/08/2022. A Notification indicating the lands to be acquired was published on 27/02/2023. Objections were raised on 06/03/2023.

(3)

3. The learned Standing Counsel for the Union of India submits on instructions that the Award is yet to be delivered and the process under the provisions of the National Highways Act, 1956 has already been undertaken. Whatever are the objections of the Petitioners, they are being considered and at an appropriate stage, appropriate orders in the said proceeding would be passed.

4. Since a statement on oral instructions is made by the learned Standing Counsel that the objections of all the Objectors would be considered within the framework of the National Highways Act and appropriate orders would be passed, **this Writ Petition is disposed off.**

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk