



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 10523 OF 2024

MANGAL BHARAT JAGTAP
VERSUS
RANDHIR VASANT SATHE

...
Advocate for the Petitioner : Mr. Wakure Sambhaji S.

910 WRIT PETITION NO. 10524 OF 2024

SUHAS BHARAT JAGTAP
VERSUS
KAILAS RAMBHAU SATHE SINCE DIED THROUGH LRS SANDIP KAILAS
SATHE AND OTHERS

...
Advocate for the Petitioner : Mr. Wakure Sambhaji S.

CORAM : ARUN R. PEDNEKER, J.
Dated : September 27, 2024

PER COURT :-

1. By the present writ petitions, the petitioners challenge the impugned orders dated 4.1.2024 passed below Exh. 16 in LAR No. 210/22 and Exh. 15 in LAR No. 209/2022, respectively, whereby prayer is made by the petitioners/applicants therein for appointment of Court Commissioner for measurement of the area of acquired land by the National Highway Authority. The said applications are rejected by the Trial Court. Hence, the writ petitions are filed.
2. The proceedings relate to the apportionment of the compensation. The lands are already measured and acquired under section 3(B) of the National Highways Act and the possession of the same was also taken under section 3(E) of the Act. Even compensation is paid to the petitioners. There cannot be further measurement atleast at the hands of Court Commissioner and the Court Commissioner cannot render any finding as regards the

ownership of the applicants/petitioners or the possession of the petitioners qua acquired land after the acquisition is made by the National Highways Authority. It is for the petitioners to lead further evidence for apportionment of the compensation. In view of the discussion made above, this Court holds that there is no merit in the writ petitions. The writ petitions are dismissed accordingly.

(ARUN R. PEDNEKER, J.)

ssc/