

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3007 OF 2021

Nilesh s/o. Ramesh Chaudhari and Others ... Petitioners

versus

The Union of India and Others ... Respondents

.....

Ms.Madhavi Ayyappan with Mr.Shubham Gurav i/b. Talekar and
Associates for the Petitioners.

Mr.S.H.Kankal, AGP for Respondent No.3-State.

.....

**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 2 JANUARY 2024

P.C.:

The Petitioners have filed this petition on 7 January 2021 making a grievance that the lands bearing Gat Nos. 284/P, 288/P, 291/P, 292/P were acquired by way of an award and apart from the lands, which were acquired, certain lands have been used for the purpose of the National Highway without there being any Award. According to the Petitioners, for these additional lands which have been used for the purpose of National Highway, no compensation is being paid, and they have not been acquired.

2. The question, therefore, would arise is to the extent of land, which is stated to be used by the Respondents. This factual aspect

can be resolved by way of measurements. The learned Counsel for the Petitioners also states that for that purpose the writ petition need not remain pending on the file of this Court.

3. Accordingly, we direct that the measurements in respect of the lands, which are the subject matter of this petition, be carried out as per governing Rules, Regulations and Notifications within a period of two months from today. The Petitioners will extend all necessary cooperation abide by necessary Rules and Regulations governing measurements and the charges. After the measurements are so carried out, the Respondents will take a decision whether, if it is concluded that any land of the Petitioners, which is not acquired, but used for the purpose of National Highway, to initiate steps for the acquisition thereof. This, however, will depend on the outcome of the measurements to be carried out as above.

4. With these observations, the writ petition is disposed of.

5. All other aspects of the parties are kept open.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)