

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10400 OF 2024

Mundra Steel and Alloy Pvt. Ltd.

...Petitioner

Versus

Competent Authority for Land Acquisition / Dy.
Collector Land Acquisition No.22 & Ors.

...Respondents

Mr. Shivraj Patne a/w Ms. Deepashikha Godbole, for Petitioner.

Mr. R. S. Pawar, AGP for State / Respondent No.1.

Ms. Heena Shaikh i/b M. V. Kini & Co., for Respondent No.2 / NHAI.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.

DATE **02 AUGUST 2024**

P.C.

1. Not on board. Upon mentioning, taken on board on a praecipe as moved on behalf of the petitioner.
2. We have heard learned counsel for the parties.
3. The substantive prayer as made in this petition is prayer clause (a), which reads thus:

“A. This Hon’ble Court may be pleased to issue a Writ of Mandamus thereby directing the Respondent No.1 to refer the dispute apportionment of compensation in respect of Subject Property [viz. Plot No. E-15, being part of Gat No.270 (Old Gat No. 426) situated at Jejuri (Stationnagar), Taluka –

Purandar, District Pune] arising out of Award dated 30.11.2022 (being Exhibit H to the present Petition) and Award dated 30.11.2022 (being Exhibit I to the Present Petition) to principal civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated as per provisions of Section 3H (4) of the National Highways Act, 1956.”

4. Although there are other prayers seeking writ of mandamus, which is in respect of land acquisition award in question dated 13 November 2022, we are inclined to dispose of this petition on prayer clause (a), considering that the grievance of the petitioner is qua a dispute in regard to the apportionment of the land acquisition compensation. Such dispute would be required to be referred to the appropriate Civil Court of Original Jurisdiction in terms of Section 3H (4) of the National Highways Act, 1956.

5. We accordingly direct the respondent No.1 / Competent Authority for Land Acquisition / Dy. Collector Land Acquisition No.22, Pune to refer the dispute to the Civil Court of Original Jurisdiction within a period of two weeks from today.

6. Insofar as the other prayers / contentions as raised by the petitioners in regard to quantum and also on the other issue affecting the award are concerned, these issues are kept open for the petitioner to be agitated in appropriate proceedings. It may not be possible for us to grant such reliefs to the petitioner in the present proceedings.

7. The petition is accordingly disposed of in terms of the aforesaid directions.

8. All contentions of the parties are expressly kept open.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)