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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO. 10770 OF 2024

Devidas Bhimrao Gurav

... Petitioner

Versus

1. Sub-Divisional Officer and Competent Authority
& 26 Ors.

... Respondents

Mr. Prabhakar M. Jadhav, for petitioner.

Ms. P. J. Gavhane, AGP for Respondent Nos.1 and 2.

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

Date : September 19, 2024

P.C.

1. We have heard Mr. Jadhav, learned counsel for the petitioner and Ms. Gavhane, learned AGP for respondent Nos. 1 and 2. Respondent No. 3 is National Highways Authority of India which is the acquiring body. Respondent No.4 is Union of India, a formal party in the proceedings. Respondent Nos. 5 to 27 are private respondents, who are stated to be the family members of the petitioner.

2. The ancestral land belonging to the petitioner and the private respondents was the subject matter of acquisition under the National Highways Act, 1956, being Gat No. 329 situated at Mahalung, Taluka-

Malshiras, Dist. Solapur. The public purpose for acquisition of the land was for the widening of the Mahalung-Sangam being a highway project under the National Highway Project No. 965 G Baramati-Indapur-Akluj-Bondle.

3. The case of the petitioner is that he was a person interested in the land, he had become entitled for payment of the land acquisition compensation along with the private respondents. However, his apprehension is that his claim would not be taken into consideration in the award of the compensation in respect of the acquisition of the land which is Gat No. 329/2 admeasuring 1 Hecter 70 R, situated at Mahalung, Tal. Malshiras, Dist. Solapur which originally belonged to the grandfather of the petitioner. In this regard, the petitioner has stated to have already approached the Sub-Divisional Officer/Competent Authority at Akluj, District Solapur. Copy of the petitioner's application is annexed at Exh. C, Page 38 of the petition in which the petitioner has requested the competent authority to consider the petitioner's claim as per the provisions of Section 3H(4) of the National Highways Act, 1956 ("the Act") in the determination of the compensation. It is petitioner's grievance that although such application was made by the petitioner and received by the competent authority on 1 February, 2024, the same has not been decided till date.

4. Mr. Jadhav, learned counsel for the petitioner has fairly pointed out that the only prayer the petitioner intends to canvass in the present proceedings is that his application dated 1 February, 2024 be decided by the competent authority in accordance with law. As such limited relief is prayed for, we direct the competent authority to decide the petitioner's application as expeditiously as possible in accordance with law. As this is the only relief being granted, we are of the opinion, we need not delay the proceedings for the private respondents to appear in the present proceedings, as it would be open to these respondents to urge all contentions before the Sub-Divisional Officer/competent authority for a decision to be taken on the petitioner's application dated 1 February, 2024.

5. We accordingly dispose of this petition by the following order :

(i) Respondent No. 1 is directed to decide the petitioner's application dated 11 February, 2024 under the provisions of Section 3H(4) of the Act as expeditiously as possible, and after hearing all the concerned parties, in accordance with law.

(ii) All contentions of the parties on such proceedings are expressly kept open.

5A We may observe that although we have referred to the petitioner's application dated 1 February, 2024, there is a mistake in the prayer, and the Petitioner has, in fact, referred to the application dated 11 February, 2024. As clarified by learned Counsel for the petitioner, the correct date of the application is "1 February, 2024".

6. Disposed of in above terms. No costs.

(SOMASEKHAR SUNDARESAN, J.)

(G.S. KULKARNI, J.)