

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 17867 OF 2024

Mahadev Hasha Patil And And Ors. ...Petitioners
Versus
Competent Authority And Sub-Divisional
Officer And Ors. ...Respondents

Mr. Kishor Patil i/b Akshada Nagrale for Petitioner.

Mr Leena Patil for Respondent No.3.

Mr. M. S. Bane, AGP for State.

Mr. Rakesh Singh a/w Ms. Heena Shaikh i/b M. V. Kini& Co. for
Respondent No.2.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 06 DECEMBER 2024

P.C.

1. We have heard learned counsel for the parties. This petition is filed with
the only substantive prayer being prayer clause (a) which reads thus:

“(a) Issue appropriate Writ / Order to direct the Respondent
Nos.1 & 2 to pay compensation to the Petitioners for the house
structures, trees well and borewell situated on S. No.24/1 situated at
villate-Kashidkopar, Tal-Vasai, District – Palghar.”

2. Admittedly, the petitioners land stands acquired for the National
Highway, under the National Highways Act, 1955. An Award in that regard
was rendered on 21 December 2019. The petitioner has also received

compensation. After all this has happened, the grievance of the petitioner is that certain structures, trees, well and borewell etc., are not accounted for or considered in the award.

3. We are not inclined to accept such contentions. If the petitioner has grievance in regard to the quantum of the compensation being awarded, on the basis of the materials prior to the award, it was for the petitioner to raise the same in appropriate proceedings. Admittedly, the land has stood vested in National Highway Authority for the public works in question, namely, work of National Highway which is in progress.

4. In this view of the matter, we are not inclined to interfere in this petition. However, the petitioner is at liberty to avail any remedy which may be available to the petitioner to challenge the quantum of the compensation as awarded on any grounds as may be permissible in law.

5. All contentions in that regard are expressly kept open.

6. Disposed of. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)