



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 4251 OF 2023

(Dr. Dashrath Shyamrao Shinde ..vs.. Union of India and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. G.K. Mundhada, Counsel for the petitioner,
Mr. N.R. Rode, AGP for the respondent Nos.3,5 to 7,
Mr. A.A. Kathane, Counsel for respondent No.2.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 27-11-2024

Heard Mr. G.K. Mundhada, learned Counsel for the petitioner. The petitioner seeks compensation from the respondents on account of acquisition of the land belonging to the petitioner to the extent of 0.33 HR. for construction of National Highway No.753-C out of the land of Survey No.305 of village Dusarbid, Tahsil Sindkhed Raja, District Buldhana, which is claimed to be owned by the petitioner. Two documents are being relied to support his contentions: first is the Handing Over Note dated 18-11-2019 (Page No.58) to contend that this demonstrates acquisition of the aforesaid land. A perusal of the Handing Over Note indicates that it merely records handing over of the stretch of the National Highway from km.305 x 100 km. to km. 319 x 200 km. and other stretches. The same does not have any bearing whatsoever upon the claim of the petitioner. The next document is the Measurement Report dated 23-1-2023 (Page

No.70) which is relied upon by the learned Counsel for the petitioner. The measurement, has not been conducted in presence of the authorities either of the Public Works Department or the National Highway and, therefore, cannot be said to be a report which would be binding upon the respondents. On what basis measurement has been done is also not ascertainable from this Measurement Report. It is, therefore, a document which cannot be said to be reliable for sustaining a claim of acquisition without compensation, of the land in question, which is claimed by the learned Counsel for the petitioner.

2. The learned Counsel for the petitioner further relies upon a Google Map (Page No.70-A). By no stretch of imagination, can a Google Map, be relied upon to accept a contention that there has been an acquisition of land.

3. Though Mr. G.K. Mundhada, learned Counsel for the petitioner also placed reliance upon the notification dated 05-12-2017 (Page No.50) issued by the National Highways, which declares stretches of the State Highways as National Highways and the stretch of Highway at Sr.No.445 (Page No.52) which is numbered as National Highway No.753-C, the same also does not assist the learned Counsel, in any manner, in supporting his claim of acquisition, as all that the said notification is does, is to demarcate certain stretches of the Highways as indicated in Column No.3 to be National Highway No.753-C. We, therefore, do not see any reason to

entertain the petition as the claim appears to us to be devoid of any merit. The petition is, therefore, dismissed. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

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