

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1251/2023

Shri Krushna s/o Mandeorao Dupare

Vs.

Government of India, through its Director, Ministry of Road Transport and Highways,
New Delhi and others

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

Court's or Judge's orders

Shri D.A. Sonwane, Advocate for petitioner
Ms N.N. Burange, Advocate for respondent No.1
Shri S.G. Deshpande, Advocate for respondent No.2
Ms S.S. Jachak, AGP for respondent No.3

**CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ..**

DATED : 22/10/2024

Heard Mr. D.A. Sonawne learned Counsel for the petitioner, Ms N.N. Burange, learned Counsel for respondent No.1, Mr. S.G. Deshpande, learned Advocate for respondent No.2, Mrs. S.S. Jachak, learned Additional Government Pleader for respondent No.3.

2. The petition seeks the return of the land of Gat 357/1, admeasuring 0.27 R., situated at Loni, Tahsil Nandgaon (Kandeshwar), District Amravati, acquired by the respondent No. 3, by the award dated 29/07/2013, on the ground that it has remained unutilized, in terms of Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(hereinafter referred as “ the Act of 2013”). A perusal of Section 105 of the Act of 2013, read

with the IVth Schedule appended thereto indicates that the Act of 2013, is not applicable to the acquisition under the National Highways Act, 1956. No notification under Section 105(2) and (3) of the Act of 2013, has been brought to our notice, to indicate that Section 101 of the Act of 2013, has been made applicable to acquisition under the National Highways Act, in view of which, we do not see any merit in the petition, the same is dismissed.

(SMT. M.S. JAWALKAR, J.) (AVINASH G. GHAROTE, J.)

Jayashree...