



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4522 OF 2024

Anup Walmik Katkade and Anr.

....Petitioners

VERSUS

The State of Maharashtra
Through its Secretary and others

.....Respondents

.....
Mr. Ajankya Kale i/b Talekar and Associates, Advocate for the
Petitioners
Ms. Vaishali S. Chaudhari, AGP for Respondent Nos.1 and 2
Ms. Sudha Chintamani, Advocate for Respondent No.3
Mr. D. P. Madkar h/f Mr. Deepak S. Manorkar, Advocate for Respondent
No.4

.....

**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 11.07.2025

PER COURT :

. Heard.

2. The land of the Petitioners have been acquired for National Highway. The Competent Authority has passed the Award holding the Petitioners to have not been entitled to towards compensation.

3. The learned Advocate for the Competent Authority relied on the opinion given by the Town Planing Authority stating therein that the land meant for amenities such as sidewalks, internal roads should be handed over to the authority free of cost.

4. We fail to understand how such an opinion can be given. It is a basic tenet of law that no person shall be deprived of his property without paying him adequate compensation. The right to property has now been recognized as a constitutional right, in view of Article 300-A of the Constitution of India. We, therefore, hold that the Petitioners are entitled to compensation for the land which has been acquired for widening of a National Highway.

5. It is informed that the Petitioners have approached the forum of Arbitrator, which has been provided under the National Highways Act, 1956, for the other aspects of the matter. We relegate them to the said authority, which shall decide quantum of compensation in respect of the land of the Petitioners, acquired for widening of the National Highway.

6. With this direction, the Writ Petition stands disposed of.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer/July-2025