



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

WRIT PETITION NO.170 OF 2025

Raghunath S/o Bajirao Thengade,
Age-88 years, Occu:Nil,
R/o-Palawadi, Tq-Khultabad,
Dist-Aurangabad.

...PETITIONER

VERSUS

- 1) The Union of India,
Through the Secretary,
Ministry of Road Transport
& Highways, New Delhi,
- 2) District Collector,
Aurangabad,
- 3) The Project Director,
National Highway Authority of
India, Aurangabad. B-23,
Near Kamgar Chowk,
Jaibhavani Nagar, N-4,
CIDCO, Aurangabad,
- 4) The Competent Authority
(Land Acquisition),
Indian National Highway No.211,
Sub Divisional Officer, Aurangabad,
- 5) The Deputy Superintendent,
Land Record, Khultabad,
Dist-Aurangabad.

...RESPONDENTS

...
Mr. Paresh B. Patil (Borse) Advocate for Petitioner.
Mr. Amol N. Patale Advocate for Respondent Nos.1 and 4.
Ms. Neha Kamble, A.G.P. for Respondent Nos. 2 and 5.
...

**CORAM: ALOK ARADHE, C.J. AND
RAVINDRA V. GHUGE, J.**

DATE : 19th MARCH, 2025

ORAL ORDER [PER RAVINDRA V. GHUGE, J.] :

1. The Petitioner has put forth prayer clause [B], [C] and [D], as under:-

"B] By appropriate writ in the nature of certiorari or any other writ of like nature or by appropriate directions or by appropriate orders, impugned Notice dated 16/06/2023 as well as final impugned Notice dated 06/09/2023 issued by the Res. No.4 competent authority against the petitioner for recovery of excess amount may please be quashed and set aside.

C] By appropriate writ in the nature of Mandamus or any other writ of like nature or by appropriate directions or by appropriate orders, kindly be hold and declared that, action of re-measurement order dated 25/04/2023 of the Resp. No.5 is illegal and void to extent of petitioner land Gut No.479, situated at village Palaswadi, Tal. Khultabad, Dist- Aurangabad.

D] By appropriate writ in the nature of Mandamus or any other writ of like nature or by appropriate directions or by

appropriate orders, kindly be hold and declared that, the petitioner is entitled to get total compensation of amount of Rs.5124423/- of acquisition of his entire acquired land admeasuring 14 R. land of Gut No. 479 which was acquired for winding of four lane National Highway No. 211 situated at village Palaswadi, Tal. Khultabad, Dist-Aurangabad.”

2. While considering the pleadings and contentions of the Petitioner, it would be appropriate to refer to an order dated 6th June, 2023 passed by this Court in Writ Petition No.2886 of 2022 (Parvatabai Sarjerao Thengade, Deceased Through Her LRs Grandson Ganesh Pandurang Thengade vs. The Union of India and others). The said Petitioners had approached this Court seeking compensation towards acquisition of the land admeasuring 4 R belonging to the deceased Petitioner, which has been paid to the present Petitioner before us, Raghunath Bajirao Thengade, an adjacent land owner from Gut No.478 and 479. It was undisputed before this Court in the said Petition that the acquiring authority will have to initiate the recovery process by issuing notice to those land owners who have received the compensation in excess, which should have been paid to the legal heirs of late Parvatabai.

3. Considering the peculiar fact situation, this Court directed respondent No.4 to issue notices to those land owners who have received excess payment of compensation and thereafter, follow the due procedure laid down in law for taking appropriate steps for ensuring that the excess payment is recovered so as to pay the same to the legal heirs of deceased Parvatabai.

4. It is in the above background that the Petitioner has been issued with a final recovery notice dated 6th September, 2023 which is sought to be challenged in this Petition filed on 21st September, 2023 and circulated today.

5. It is the contention of the Petitioner that 14 R land belonging to the Petitioner was in Gut No.479 and it was acquired for the National Highway No.211, by respondent No.4. Two awards were delivered. The entire 14 R land belongs to the Petitioner. It is prayed that the impugned notice be quashed and set aside.

6. We find that the Petitioner's contention is

unsustainable in the light of the order dated 6th June, 2023 passed by this Court in Writ Petition No.2886 of 2022. We had directed the authorities to follow the due procedure laid down in law. The learned A.G.P. submits that in the light of the directions of this Court, they followed the due procedure and carried out the measurement. After noticing that a portion of the land belongs to the legal heirs of deceased Parvatabai and compensation to the extent of land was inadvertently paid to the Petitioner which is to be recovered, the impugned final notice was issued.

7. This matter was heard yesterday and we had granted an over-night passover to the learned Advocate for the Petitioner to take instructions as to whether the Petitioner is willing to deposit that excess amount in this Court, only to establish his *bonafides*. The Petitioner states that he has received Rs.51,00,000/- as compensation for 14 R land. It is out of this land that the legal heirs of Parvatabai claim that 4 R land belongs to them. Hence, the measurement was carried out under the orders of this Court.

8. The learned Advocate for the Petitioner submits that the Petitioner does not desire to part with the money and not willing to deposit any amount, even to show his *bonafides*, much less, return the excess amount. In view of the above and considering the conduct of the Petitioner, coupled with the order of this Court, we have no reason to cause indulgence in this matter.

9. The Writ Petition is dismissed.

[RAVINDRA V. GHUGE, J.]

[CHIEF JUSTICE]

asb/MAR25