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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4482 OF 2025

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Seena Bhima Trees Production Coop.
Society, through it's Chairman ... Petitioner

V/s.

The State of Maharashtra, through
the District Collector, Solapur & Ors. ... Respondents

Mr. Anilkumar Patil with Mr. Hrishikesh S. Shinde and
Ms. Zeel Jain for the petitioner.

Mr. Prasad Dani, Senior Advocate with Mr. Rupesh
Bobade for respondent Nos.3 to 7.

CORAM : AMIT BORKAR, J.

DATED : MAY 6, 2025

PC.:

1. By this Writ Petition filed under Article 227 of the Constitution of India, the petitioner challenges the Judgment and Award dated 15 January 2025 passed by the learned Civil Judge, Senior Division, Madha, District Solapur, in Land Acquisition Reference No.35 of 2023. The reference arose out of a dispute under Section 3H(4) of the National Highways Act, 1956.

2. The central issue between the parties is the exact location and ownership of Gat No.579/2, admeasuring 10,610 sq. metres, situated at Village Tembhurni, Taluka Madha, District Solapur. This land was acquired for the purpose of constructing a bypass road in connection with National Highway No.9. A dispute arose in relation to the apportionment of compensation amounting to

₹98,68,361, which was then referred by the Competent Authority to the Court, as per the procedure under Section 3H(4) of the National Highways Act.

3. The learned Reference Court, by its detailed order, has arrived at a categorical finding that the acquired land forms the *southern portion* of Gat No.579/2. The petitioner, on the other hand, had purchased a portion of the said Gat No.579/2 which is located on the *northern side* of Gat No.579/1, extending towards the northeast and southeast directions. The Court, while examining the boundaries mentioned in the petitioner's sale deed, has noted that the southern boundary of the petitioner's land is Gat No.579/1. This boundary description appears to have played a significant role in the Court's reasoning.

4. Furthermore, during the hearing before the Reference Court, the petitioner himself admitted that the portion of land acquired by the government was the *southern part* of Gat No.579/2. The Court has also placed reliance on Exhibit 74, a map showing the geographical positioning of Gat No.579/2, which supports the conclusion that it lies to the north of Gat No.579/1. The cumulative effect of documentary evidence, boundary details in the sale deed, and the admission of the petitioner led the Reference Court to conclude that the acquired land does not form part of the petitioner's holding.

5. In view of the above well-reasoned findings of fact recorded by the Reference Court, it is difficult to find any legal infirmity in the impugned judgment. Once the Court has concluded that the

southern portion of Gat No.579 has been acquired, and it is undisputed that the petitioner has purchased the *northern portion*, the claim of the petitioner to receive any part of the compensation does not survive.

6. It is, however, noticed that the confusion between the parties appears to have partly arisen due to certain proceedings under the Maharashtra Land Revenue Code, 1966, which were initiated to modify the maps prepared by the revenue authorities. This change in mapping may have led to an overlapping or misunderstanding of the boundaries of ownership. Be that as it may, the Reference Court has given a clear finding after appreciating the evidence available before it.

7. It is made clear that civil and ownership rights of the petitioner in respect of the *northern portion* of Gat No.579 remain unaffected by the impugned order. The petitioner remains the rightful owner of the northern portion of Gat No.579. If the petitioner has any grievance relating to title, boundary demarcation, or interference, he may adopt appropriate civil proceedings for redressal of his rights, in accordance with law.

8. With the above observations, the Writ Petition is dismissed. No order as to costs.

9. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)