

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

TALLE
SHUBHAM
ASHOKRAO

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CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8402 OF 2025

Abhiman Appa Waghmode

... Petitioner

Versus

The State Of Maharashtra Thr Chief Secretary And
Ors

... Respondents

Adv. M. S. Mulla, for the Petitioner.

Ms. T. J. Kapre AGP for the Respondent-State.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : September 23, 2025.

P. C. :

- 1.** We have heard learned Counsel for the parties.
- 2.** The Petitioner seeks a direction to the Respondent No. 2-The Competent Authority & Deputy Collector, Land Acquisition Officer No. 11 (Krishna Khore) Solapur, to pay compensation towards 300 Mango Trees to the Petitioner as per the report dated 27th October, 2021 in respect of land bearing Gat No. 528/4/A/1.
- 3.** It is contention of learned Counsel for the Petitioner that the

Respondent No. 2 by communication dated 22nd March, 2024 has unnecessarily called for an opinion from the National Highways Authority of India (for short “**NHAI**”). It is submission of the learned Counsel for the Petitioner that it is the Respondent No. 2 who is competent to consider the claim for grant of compensation in respect of 300 Mango Trees.

4. Learned Counsel for the Petitioner further submitted that by communication dated 10th May, 2024 the NHAI informed the Respondent No. 2 that google map image of 2018 does not reveal any fruit bearing trees in Gat No. 528/4. The NHAI therefore recommended that compensation towards 300 Mango Trees should not be granted.

5. Learned AGP submitted that the Respondent No. 2 will take appropriate decision in accordance with law and the present Petition is pre-mature.

6. We find that Respondent No. 2 by communication dated 22nd March, 2024 has called for report from the NHAI. The NHAI on its part has recommended that there are no fruit bearing trees in the land belonging to the Petitioner and therefore the compensation should not be paid for the trees.

7. In our opinion, it is for the Respondent No. 2 to pass an appropriate order on the claim made by the Petitioner. There is already a

report dated 27th October, 2021 of the Superintendent of Land Records, Mohol about the existence of 300 Mango Trees. This report has been discarded by the NHAI for the reasons mentioned in the impugned order. We only observe that the Respondent No. 2 has to decide the claim on its own merits after considering the materials on record including the recommendations of NHAI and the report dated 27th October, 2021 by the Deputy Superintendent of Land Records, Mohol.

8. The Respondent No. 2 to decide the claim on its own merits and in accordance with law within a period of 12 weeks from the date of communication of this order. The Respondent No. 2 is directed not to be influenced by the recommendations of the NHAI.

9. Writ Petition stands disposed of in the above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]