

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10016 OF 2024

Rajendra M. Developers & Builders Pvt. Ltd. & Anr. ...Petitioners  
Vs  
The State of Maharashtra & Ors. ...Respondents

Mr. Pradeep J. Thorat i/b. Ms. Aditi S. Naikare, for Petitioners.  
Ms. Savita A. Prabhune, AGP for the State.

**CORAM:** G. S. KULKARNI &  
AARTI A. SATHE, JJ.

**DATE:** 9 SEPTEMBER 2025.

**P.C.**

1. This petition under Article 226 of the Constitution of India is filed  
praying for the following substantive relief:

“(a) That this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondents to pay amount of compensation to the Petitioner No.2 as determined under Final Award dated 13<sup>th</sup> March, 2023 passed under Sec.3G of National Highways Act, 1956 in respect of portion of land admeasuring 14 Ares out of land bearing Gat No.1718 totally admeasuring 2 Hectares and 40 Ares of village Adgaon, Tal. & Dist. Nashik, within the limits of Nashik Municipal Corporation which is acquired for the purpose of widening/ four laning of the National Highway known as Greenfield Highway expeditiously and within a period of 30 days.”

2. The claim of the petitioner is of entitlement to the land acquisition compensation in respect of his land admeasuring 14 Ares out of the land bearing Gat No.1718 totally admeasuring 2 Hectares and 40 Ares at Village Adgaon, Tal. & District Nasik, which was acquired for widening of the National Highway

known as Greenfield Highway. The case of the petitioner is that the entitlement of the petitioner to receive the award amount has already been recognized in the Award rendered by respondent No.2 dated 13 March 2023 passed under Section 3G of the National Highways Act, 1956. However, the award amount is not being disbursed, is the grievance of the petitioner.

3. A reply affidavit is placed on record on behalf of respondent Nos.1 and 2 of Ms. Sharmila Namdev Bhosale, Deputy Collector (Land Acquisition) National Highway Project, Nashim, which *inter alia*, contends that in the final award dated 13 March 2023 passed under Section 3G of the National Highways Act, in respect of the land acquired from Gat.No.1718 of Village Adgaon, amount of compensation was payable to (i) M/s. Alandi Left Bank Canal Development Area, (ii) petitioner No.2 - M/s. Babita Marketing Pvt. Ltd. through Director Abhishek Narendra Thakkar and (iii) petitioner No.1-Rajendra M. Developers & Builders Pvt. Ltd. through director Narendra Manohardas Thakkar. It is stated that accordingly a notice under Section 3H and 3E was issued to these parties and since the exact amount of compensation to be paid to both the co-owners was not mentioned in the award, respondent NO.2 issued notices to M/s. Alandi Left Bank Canal Development to specify the area acquired from their land and further requested to provide NOC to disburse the amount to other co-owners. However, no such NOC was received from M/s. Alandi Left Bank Canal Development. It is further contended that respondent No.3-the Project Director of National Highway Authority of India had addressed letter dated 4 January 2024 to respondent No.2 informing that the land acquisition payment for all villages

should be kept in abeyance till further directions, are received from the Competent Authority. It is contended that since no objection certificate was not received from Alandi Left Bank Canal Development although C.C. Vouchers were prepared on 26 December 2023 in favour of the petitioner No.2, in view of the said communication from the NHAI, the same were cancelled by respondent No.2. It is in these circumstances, the proceedings are before us.

4. Having heard learned Counsel for the parties and having perused the record, we are of the clear opinion that the entitlement of the petitioners to receive the compensation is recognized in the award. This appears to be not in dispute. Insofar as M/s. Alandi Left Bank Canal Development is concerned, any claim of the said organization is required to be determined. It also appears that respondent No.3 the Project Director of NHAI, addressed a letter dated 4 January 2024 to respondent No.2 that the land acquisition payment be kept in abeyance, which appears to be a omnibus letter, and it is not addressed in the petitioner's case.

5. In this view of the matter, we are of the opinion that respondent No.2 needs to take an appropriate decision so as to disburse the award amount as quantified in the land acquisition award in question and after hearing M/s. Alandi Left Bank Canal Development as also the Project Director, NHAI and the petitioner. As the award itself is dated 13 March 2023, there ought not to be a further delay in payment of compensation. Thus, although respondent No.3 is not represented in the present proceedings, in our opinion, considering the nature of the order which we intend to pass, no prejudice would be caused to

respondent No.3 as all its contentions can be raised before respondent No.2 while taking decision of disbursement of the award amount.

6. We accordingly direct respondent No.2 to hear all the concerned parties as expeditiously as possible, in any event, within a period of six weeks from today and take a decision in terms of the Award on disbursement of the compensation amount and in accordance with law. All contentions of the parties in that regard are expressly kept open.

7. The petition is disposed of in the aforesaid terms. No costs.

(AARTI A. SATHE, J.)

(G. S. KULKARNI, J.)