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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3677 OF 2025

Shantabai Mahadev Doke	... Petitioner
V/s.	
Sadesh Sambhaji Erande & Ors.	... Respondents

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Mr. Vaibhav R. Gaikwad for the petitioner.

Mr. Prashant K. Aher with Mr. Vipul Patil for
respondent No.2.

Mr. O.A. Chandurkar, Additional G.P. with Smt. V.R.
Raje, AGP for respondent No.9-State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 3, 2025

P.C.:

1. Challenge in this writ petition, preferred under Article 227 of the Constitution of India, is to the order dated 12th February 2025 passed by the learned Ad-hoc District Judge-1, Junnar in Civil Miscellaneous Application No.148 of 2019. The said application arises out of proceedings initiated under Section 3H(4) of the National Highways Act, 1956, seeking disbursement of compensation in respect of acquisition of land from Gat No.579, situate at Village Otur, Taluka Junnar, District Pune.

2. It is an admitted position on record that the subject land was acquired for the purpose of widening of National Highway No.222.

It is further undisputed that an area admeasuring 844 square metres was acquired from Gat No.579, and in lieu thereof, compensation amounting to ₹52,74,632/- has been determined and deposited with the competent authority for disbursal to the rightful claimant(s).

3. The present controversy does not pertain to the quantum of compensation or the legality of acquisition, but rather to the rightful recipient of the said compensation. The petitioner asserts ownership over Gat No.579/2, whereas respondent No.2 lays claim to Gat No.579/1. Importantly, there is no inter se dispute between the parties as to their respective ownership rights over Gat No.579/1 and 579/2. However, the crux of the dispute pertains to the *precise identity and location of the acquired portion*—whether the acquisition pertains to Gat No.579/1, or Gat No.579/2, or whether it encompasses portions from both the sub-divisions.

4. It was incumbent upon the learned District Judge, in exercise of jurisdiction under Section 3H(4) of the National Highways Act, 1956, to determine this foundational issue, namely, the precise parcel of land from which the acquisition was effected. Such an adjudication necessarily involves a factual determination based on documentary evidence, site plans, measurement sheets, panchnamas and other revenue records.

5. However, the impugned order discloses that the learned Judge misdirected the inquiry, by venturing into the question of ownership, which, as noted hereinabove, was never in dispute. The gravamen of the proceedings was to ascertain the identity of the

acquired land so as to facilitate the disbursement of compensation to the rightful claimant. In omitting to frame and decide this pivotal issue, the learned Judge has failed to exercise jurisdiction in accordance with law, thereby vitiating the entire adjudicatory process.

6. In such circumstances, the only efficacious course available to this Court, in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, is to remand the matter back to the learned District Judge for a fresh adjudication, strictly confined to the issue as to whether the land admeasuring 844 sq. mtrs. was acquired from Gat No.579/1, or from Gat No.579/2, or partly from each.

7. For such adjudication, the learned District Judge shall grant an effective opportunity of hearing to all concerned parties, permit them to file additional documents, if any, and consider all relevant material placed before the Court, including but not limited to land acquisition records, measurement maps, demarcation sketches, and any other contemporaneous revenue record.

8. Upon such consideration, the learned District Judge shall record findings on the specific issue of identity and location of the acquired land, and thereafter proceed to pass appropriate orders in accordance with law, directing disbursement of compensation to the rightful person(s).

9. In light of the above directions, the writ petition stands allowed in terms of prayer clause (b). There shall be no order as to costs.

10. The learned District Judge, Junnar is directed to dispose of Civil Miscellaneous Application No.148 of 2019 in accordance with law, as expeditiously as possible, and in any event within a period of *four months* from the date of appearance of the parties.

11. The parties are directed to appear before the learned District Judge, Junnar on 15th April 2025, without further notice.

(AMIT BORKAR, J.)