



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2019 OF 2018

(Pramod Shyamdeo Raut and others vs. The State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Gopal Mishra, Advocate for petitioners.
Mr. A.V.Palshikar, AGP for respondent Nos.1 and 2.
Mr. A.A.Kathane, Advocate for respondent No.3.

CORAM : AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.

DATE : JANUARY 21, 2025

1) The only plea which is being raised in the present petition is that since alignment of the road was shifted, the earlier acquisitions made from the land of Gat No.9/B/2, 9/B/3, 9/B/4 and 9/A should be cancelled and the land be returned back to the petitioner. What is necessary to note is that the acquisition in earlier point of time was done under the award dated 31/03/2001, compensation in respect of which has already been received by the petitioner and possession was already delivered. This acquisition was made by the State for the purpose of outer ring road.

2) Merely because the alignment has been changed and another portion out of the aforesaid land was acquired by the National Highway subsequent in point of time that by itself would not entitle the petitioner, to claim release of the land, as once the acquisition stands completed by way of possession in terms of Section 16 of the Land Acquisition Act, 1894, the land vests absolutely in the State free from all encumbrances.

³⁾ There is no provision in the Act of 1894 about return of the land to the person from whom it is acquired on account of its non-utilization. The petition therefore, stands dismissed. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

KOLHE