



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

WRIT PETITION NO. 2392 OF 2022

(Peer Sailani Baba Dargah Shareef and others ..vs.. The Land Acquisition Officer/Competent Authority,
National Highway, District Yavatmal and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. Zia Quazi, Counsel for the petitioners,
Mr. A.M. Joshi, A.G.P. for respondent Nos.1 and 5,
Mr. A.A. Kathane, Counsel for respondent No.2,
Mr. A.D. Mohgaonkar, Counsel for respondent No.3,
Mr. S.A. Chaudhari, Counsel for respondent No.4.

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

DATE : 29-04-2025

On 02-4-2025 we had recorded the following position:

“2. The Pursis tendered across the bar by the learned AGP for the Respondent Nos. 1 and 5/State today, which is taken on record and marked as ‘X’ for the purpose of identification, indicates in a tabular form the Gut number and the extent of land acquired, from and out of the lands of the Petitioners, which is presently with the Respondent No.5. Since there is no dispute in that regard now of any nature remaining, all that requires to be done is for the Respondent No.5, to ensure payment of compensation to the Petitioners vis-a-vis the extent of land which has been acquired as indicated in the table para 4 of the aforesaid Pursis.

3. The learned AGP on behalf of the Respondent No.5, seeks some time to place on record the calculations regarding the compensation for the aforesaid lands as stated in the Pursis at ‘X’, at the rate at which the compensation has been

determined, to similarly situated lands and in case the same is acceptable to the Petitioners, the duration within which the payment would be made.”

2. Thereafter, the copies of the measurement reports were placed on record, which indicated lands of the petitioners being utilized by the respondent No.5, which was without following the due process of acquisition. At the request of the learned Counsel for the petitioners, we had asked the learned Assistant Government Pleader for the respondent Nos.1 and 5 to make a statement regarding the extent of land indicated to be used by the respondents in terms of the measurement reports, which is reflected from the order dated 02-04-2025 in pursuance to which the learned Assistant Government Pleader has placed on record a pursis dated 27-03-2025, para 4 of which contains the following table.

Sr. No.	Name of the Petitioners	Gut No.	Land Acquired in HR
1.	Peer Sailani Dargah	244	0.14
2.	Ananta Namdev Yerane	150	0.09
3.	Ashok Shurbhan Shende	136/1	0.09
4.	Arif Badruddin Lalani	136/1p	0.03
5.	Pundlik Dadaji Darunkar	146/2	0.07
6.	Kamlabai Dadaji Darunkar and others	146/1	0.03

Corrections are carried out as per Order passed in CAW No.1047/2025 on 05-05-2025.

7.	Lalit Narayan Kumare and Vivek	134	0.04
8.	Giridhar Shamrao Dange	104/1	0.03
9.	Kishna Shamrao Dange	104/4	0.03
10.	Madan Bajrang Chnadekar	33/2	0.07
11.	Ramdas Hari Lalsare	243/2	0.03
12.	Doma Hari Lalsare	243/1	0.03
13.	Gulam Murtza Khan Imam	143/3	0.08
14.	Salim Akbrali Lalani	143/2B	0.1
15.	Shamsuddin Sherali Lalani And Fatima	143/2	0.05
16.	Dhanraj Charan Chandekar	33/3	0.01
17.	Ambadas Haribahu Lalsare	243/3	0.06
18.	Harishchandra Meghraj Baghmar	54/1	0.07
19.	Ramesh Surybhan Shende and others	136/2	0.07
	Total		1.21

3. A correction to the statement made in the above table is also indicated by pursis dated 15-04-2025, which indicates that the extent of land used by the authorities *vis-a-vis* petitioner No.14 (whose name appears in the above table at Sr.No.16) was only to the extent of 0.1 HR.

4. At the request of the learned Counsel for the petitioners, considering that in case acquisition proceedings were now directed to be initiated, it would take another decade, we had requested the learned Assistant Government Pleader appearing for the respondent Nos.1 and 5 to take

instructions whether the State would be willing to pay compensation for the lands which are indicated in the table in the pursis dated 27-03-2025, as corrected by the pursis dated 15-04-2025, in response to which the learned Assistant Government Pleader has placed on record a pursis dated 24-04-2025 along with tables indicating the quantum of compensation which has been calculated by the respondent No.1 to be payable to each of the petitioners in respect of the lands which have been taken possession of by the respondent Nos. 1 and 5.

5. The learned Counsel for the petitioners, upon instructions of the petitioners, makes a statement that the petitioners are willing to give up and transfer title to their lands to the extent as indicated in the table in para 4 of the pursis dated 27-03-2025 as corrected by the pursis dated 15-04-2025 and the petition can be disposed in terms thereof. The learned Counsel for the respondents have no objection for this mode, as that would curtail the cumbersome process of acquisition.

6. We, therefore, dispose of this petition by directing the respondent Nos. 1 and 5 to pay the compensation as indicated in the charts annexed to the pursis dated 24-04-2025 (Stamp No.11/2025), which are accompaniment to the letter dated 24-04-2025 of the respondent No.1, upon the petitioners' executing registered sale-deeds in favour of the respondent No.5, which shall be got done within a period of four months from today. We make it clear that the execution of the sale-deeds and the compensation payable, would be a simultaneous process and would be reflected in the document of sale to be executed and registered by each of the land holders at the costs of the respondent Nos.1 and 5.

7. The petition is disposed of in the above terms. Considering the same, there shall be no order as to costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)