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

WRIT PETITION NO. 7343 of 2025

Sanjay s/o Rupnarayan Agrawal

Vs

National Highways Authority of India , thr. Its Project Director and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. H.R. Gadhia, counsel for petitioner.

Mr. D.P. Thakre, Addl. G.P. for respondent Nos. 2 and 3.

CORAM : ANIL S. KILOR and RAJNISH R. VYAS, JJ.

DATE : 26/11/2025

1. Heard.

2. In short, it is the case of the petitioner that land bearing Survey No. 52 of Mouza Pawangaon, Tq. Kamptee, District Nagpur was originally admeasuring 1.01 HR, and out of the said land, an area of 0.75 HR came to be acquired for the purposes of construction of Ring Road. The balance area admeasuring of 0.26 HR of Land was purchased by the petitioner on 15/02/2005, and thereafter, the name of petitioner over the said area was mutated in 7/12 extract. On 09/05/2016, a notification under Section 3A of the National Highways Act, 1956 (hereinafter referred to "the Act of 1956") was issued and it was purposes to acquire 0.26 HR land.

3. On 05/05/2017, further notification under Section 3D of the Act of 1956 was issued, and an area of 0.10 HR out of 0.26 HR of the aforesaid land came to be acquired.

4. It is the case of the petitioner although the notification issued under Section 3D of the Act of 1956 an area of 0.10 HR is shown to be acquired, in fact, the respondents have taken possession of an area of admeasuring 0.24 HR.

5. The petitioner claims that he was unaware about taking possession of extra 0.14 HR of Land. The petitioner then claims to have submitted a communication dated 08/08/2019 requesting respondent to acquire the said portion of land admeasuring 0.14 HR and pay the compensation. In the meanwhile, according to the petitioner in 7/12 extract of the aforesaid land was also corrected.

6. It is the case of the petitioner that after exchange of certain communications, respondent No.1 - National Highways Authority of India informed the respondent No.2 - Land Acquisition Officer, vide communication dated 20/12/2023, that respondent No.1 had not constructed Highway/Road on any land beyond 0.10 HR and therefore, there is no need to acquire the said portion of 0.14 HR from the land survey mentioned above.

7. According to the petitioner, since the 7/12 extract of acquisition of 0.14 HR of land out of the survey No. 52/1 had already been prepared and issued in the name of respondent No.1 (bearing New Survey No. 52/3/2), he, on 07/02/2024, requested Land Acquisition Officer / Respondent No.2 to correct the revenue record and issue a corrected 7/12 extract in the name of petitioner. Accordingly, on 01/03/2024, respondent No.2 communicated to respondent No.3 / Deputy Superintendent of Land Record, Kamptee stating that 0.14 HR of land bearing Survey No. 52/3 in Mouza Pawangaon, Tq. Kamptee, District Nagpur was never required and it appears that entry was wrongly taken in 7/12 extracts. Further, it was directed to take appropriate action after verifying the records and submit a report. The petitioner states that in spite of it, no action has been taken and consequently he is deprived of possession and usage of said portion of 0.14 HR of land bearing Survey No. 52/3/2.

8. Be that as it may, we have gone through the record of the case and are of the view that the issue can be decided by respondents by treating the present petition as a representation. Accordingly, we direct the present petition be treated as a representation and be decided within eight weeks from today.

9. Needless to mention, Respondent No.1 shall decide the issue of acquisition of aforesaid land within the said period. If respondent No.1 comes to conclusion that the aforesaid portion of land is not required, then respondent No.3 is directed to take steps to correct the revenue record by removing the name of the respondent to the extent land not acquired.

10. In view of the above, the writ petition is disposed of accordingly.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)