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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 14060 OF 2025

Aslam S/o. Jilani Chaus,
Age: 53 years, Occu.: Business,
R/o. Bypass Raod, Near Potdar School,
Dharashiv, Tq. & Dist. Dharashiv,
At Present: Khore Galli, Near Shivaji
Chowk, Latur, Tal. & Dist. Latur.

... Petitioner.

VERSUS

1. The Project Director,
National Highway Authority Of India
Regional Office Solapur, Plot No.E-2,
Jail Jalaram Nagar, Behind Shivdare
College, Jule Solapur, Dist. Solapur.
2. The District Collecot, Dharashiv,
Collector Office, Dharashiv,
Dist. Dharashiv.
3. Competent Authority and Deputy
Collector (Land Acquisition)
Medium Project No.2, Dharashiv
Collector Office, Dharashiv,
Dist. Dharashiv.

... Respondents

.....
Mr. Sushant B. Choudhari, Advocate for Petitioner
Mr. S.B.Pulkundwar, AGP for Respondent No.2
Mr. Nandkishor U. Yadav, Advocate for Respondent No.3
.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 05 FEBRUARY, 2026

PER COURT [Per Hiten S. Venegavkar, J.] :-

1. The present petition has been filed under Article 226 of the
Constitution of India seeking directions to respondent Nos.1 to 3 to pass

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an award under Section 3G(1) of the National Highways Act, 1956, in respect of land admeasuring 280 sq. mtrs. out of Plot No.40 from Survey No.168/2, situated at Dharashiv, belonging to the petitioner. A further direction is sought to respondent Nos.1 to 3 to pay compensation in respect of the petitioner's acquired land along with interest from the date of taking actual possession.

2. It is the case of the petitioner that the petitioner had purchased Plot No.40 situated at Survey No.168/2 at Dharashiv City, admeasuring 300 sq. mtrs., by way of a registered sale deed dated 30.09.2002. The said plot is adjacent to the old National Highway No.211 on the western side of the National Highway (Osmanabad Bypass). The mutation entry reflects the name of the present petitioner, and from the date of purchase, he has been in occupation and possession of the said land as its owner. The petitioner submits that, in the year 2008, respondent No.1 started widening the old National Highway No.211, and respondent No.3 was appointed as the competent authority for the purpose of acquisition of land for the expansion of National Highway No.211 (for short, "the said Highway"). After the measurement was carried out by respondent No.2, it was admitted that the petitioner's plot had been acquired for the expansion of National Highway No.211; however, his name was not incorporated in the preliminary notification

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issued by the respondent authorities. The petitioner, therefore, filed a complaint with respondent No.3 stating that, though his land was being acquired, his name was not reflected in the notification and neither was any award passed, thereby denying compensation to the petitioner for his acquired land. The respondent authority, by its communication dated 27.11.2017, informed the petitioner that the awards had already been passed in respect of the lands which were acquired and, therefore, if there was any dispute, the petitioner should approach the appropriate authority, as after passing of the award, inclusion of the present petitioner's property therein could not be permitted. After receiving the said communication from respondent No.3, the petitioner filed a complaint with respondent No.1 as well as with the Deputy Superintendent of Land Records, Osmanabad (Dharashiv), seeking re-measurement of the petitioner's plot. Upon re-measurement carried out by the Department of Land Records, Osmanabad, the petitioner was informed that, out of 300 sq. mtrs., 280 sq. mtrs. had been acquired for the purpose of expansion of the said Highway, and therefore, compensation would be granted by way of entering into a private sale deed with the petitioner.

3. The petitioner further states that, even after issuance of the said letter, no further steps were taken by respondent No.1 for purchasing

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the petitioner's land, and no compensation was paid. However, thereafter, the National Highways Authority of India issued a Gazette notification dated 22.05.2020, wherein it was stated that the additional land required to be acquired for expansion of the said National Highway included the petitioner's name along with the area acquired to the extent of 280 sq. mtrs. After the Gazette was published, respondent No.3 proceeded to pass a fresh award in respect of the additional lands, one of the persons whose land was acquired being the petitioner. However, by an order dated 22.06.2022, respondent No.3 did not grant any compensation to the present petitioner on the ground that, though the petitioner's area admeasuring 280 sq. mtrs. was acquired, the calculations of the area did not match and, hence, the petitioner's name and the area for which he was entitled to receive compensation were excluded. Subsequently, e-statement came to be issued, wherein the area and compensation reflected against the petitioner's name were shown as 'Zero' (0). The petitioner, therefore, being aggrieved by the said award, approached the competent authority under Section 3H(4) of the National Highways Act and requested that the dispute be referred to the competent Civil Court for distribution of compensation. After hearing both sides, respondent No.2-authority rejected the application on the ground that, as no compensation had been granted and no award had been passed in respect of the petitioner, there could be no

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apportionment as contemplated under Section 3H(4) of the National Highways Act, and hence, the application was not tenable.

4. We have heard the learned advocate for the petitioner. The learned AGP waives service of notice for respondent No.2. Learned advocate Mr. N.U. Yadav waives service of notice for respondent No.3. There is no necessity for issuance of notice to respondent No.1, at whose instance the acquisition was carried out, as the issue before us is only in respect of the entitlement of the petitioner to compensation and issuance of an award in accordance with such entitlement.

5. It is not in dispute before us that the petitioner's land has been acquired for the said Highway. It is further not in dispute that the petitioner's name is reflected in the notification issued on 22.05.2020, and it is also not in dispute that the petitioner's land acquired for the said Highway measures 0.028 hectare.

6. In the light of the above, we have perused the entire documents placed before us and have also heard both sides at length. It is a matter of record that the award, termed as the Acquisition Final Award passed under Section 3G(1) of the National Highways Act, 1956, is based on the determination made in the year 2019. The said award, on internal page No.48, clearly makes a reference that the petitioner's land was

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acquired to the extent of 0.028 hectares. However, when the re-measurement was carried out, the measurement in the reverification and the actual measurement referred to in the notification dated 22.05.2020 were found to be mismatched. For this reason, the petitioner's land was not considered for the passing of the award. Consequently, the authority in the said award has mentioned that the proceedings pertaining to the passing of the award in respect of the land acquired for the expansion of National Highway No.211 have already taken place, and there is no procedure for incorporating fresh names and granting additional compensation after the final award has been passed.

7. We have also perused the e-statement placed on record, which was issued by the authorities and in which the present petitioner's name is reflected. However, against the petitioner's name, the land acquired is mentioned as "Zero," and the compensation is also shown as "Zero."

8. Taking into consideration the entire documents placed on record, we are of the opinion that respondent No.3 ought to have taken into consideration the notification dated 22.05.2020, which was issued by the authorities for the purpose of acquisition of land for the said Highway. In respect of the petitioner and other similarly situated persons, the said inspection for acquisition of land clearly mentions the

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name of the petitioner along with the land which was acquired by the respondents for the said Highway. In pursuance of this statutory notification, it was the duty of respondent No.3 to proceed under Section 3G and determine the amount of compensation. The authority has erred in passing the final award. The authorities ought not to have omitted the name of the petitioner and his land from the grant of compensation merely because, in the re-measurement, the exact extent of the land acquired from the petitioner could not be verified or was found to be mismatched. In fact, respondent No.3, taking the notification of acquisition dated 22.05.2020 as the basis for the acquisition of the petitioner's land, ought to have proceeded to pass a fresh award after following the procedure under Section 3G of the National Highways Act. In this situation, the issue raised by respondent No.3, that compensation cannot be granted to the petitioner after the passing of the initial award, would not have arisen. If the notification was issued in the year 2020, the determination was required to be made subsequent to 2020 and not prior thereto, as mentioned earlier that the final award was passed on the basis of a determination made in the year 2019.

9. In the aforesaid facts and circumstances, we proceed to pass the following order:

ORDER

- (i) The Writ Petition stands allowed.
- (ii) The award passed by respondent No.3 dated 22.06.2022, to the extent it relates to the petitioner, is hereby set aside.
- (iii) We direct respondent No.3 to consider the notification dated 22.05.2020 and proceed to pass a fresh award as contemplated under the provisions of Section 3G of the National Highways Act, 1956, after complying with the procedure prescribed under the said Section.
- (iv) The said exercise shall be completed by respondent No.3 within a period of three months from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE