



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 1588 OF 2026

Raghu Mahadu Pathare & others

....Petitioners

VERSUS

The Union of India & others

.....Respondents

Mr. D. R. Markad, Advocate for the Petitioners.

Mr. S. B. Narwade, AGP for the State.

Mr. R. D. Sanap, Advocate for Respondent Nos. 1, 3 to 8.

CORAM : SMT VIBHA KANKANWADI

& AJIT B. KADETHANKAR, JJ.

DATE : 22nd APRIL, 2026.

PER COURT :

1. Though the matter is coming for the first time, in view of copy being served, Respondent Nos. 1, 3 to 8 have appeared through Standing Counsel and affidavit-in-reply of Respondent No. 8 Mr. Shrikumar s/o Baburao Chinchkar, Sub Divisional Officer and Competent Authority Shrigonda, Dist. Ahilyanagar has been filed.

2. Heard learned Advocate for the Petitioners, learned Standing Counsel for Respondent Nos. 1, 3 to 8 and learned AGP for Respondent No. 2.

3. Petitioners have come with a case that Respondent Nos. 3 to 8, without acquiring the land and passing award as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, are proceeding with the construction of National Highway from lands belonging to the Petitioners. It is stated that already there is a road which passes through the agricultural lands of the Petitioners from village Patharwadi, Tq. Parner, Dist. Ahilyanagar and now the Ministry of Road, Transport and Highways has issued a notification dated 28.01.2025 declaring strengthening, widening and upgradation of the said road which is declared as National Highway No. 761 from junction of NH-61, Belhe-Alkuti-Devibhavare-Nighoj-Shirur from Desin from single/intermediate / 2L to 2L + PS in the State of Maharashtra. Respondent No. 9/company has been entrusted with the work of strengthening and widening the road. After the notification was published in the newspaper, the authorities have undertaken the work but they have not undertaken the steps as per the Land Acquisition Act and without adopting proper procedure as well as without paying compensation high-handed the said act being done. Accordingly, several representations have been made by the Petitioners to the competent authority.

4. In the affidavit-in-reply, Respondent No. 8 has stated that it has issued notification dated 27.01.2025 under Section 3A of the National Highways Act. For the public purpose, some lands in the respective areas were required. Various communications have been made by Respondent No. 8 to the Deputy Superintendent of Land Records, Parner, for the purpose of measurement. Joint measurement reports dated 18.11.2025, 19.11.2025 and 16.01.2026 regarding the lands situated at respective villages other than the lands from vilalge Patharwadi have been submitted. Thereafter notification under Section 3D of the National Highways Act has been published. The measurement report was received within one year from the date of publication of notification under Section 3A of the Act and therefore, Respondent No. 8 could not proceed with the acquisition procedure. Now, when the joint measurement report has been received, Respondent No. 8 would comply with the relevant provisions under the National Highways Act as well as The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. Here it is one more example where high-handed act on the part of the Government authorities is visible. Even before the entire

procedure of acquisition of land is undertaken, yet the contractor to construct the road appears to have been appointed. Certainly, when the road has been declared as National Highway, now, it should have requisite width as contemplated under the Act. The entire exercise as to which land would be affected to what extent which is adjoining the existing road, ought to have been considered by the Respondents/authorities. Only after the entire procedure is adopted and compensation is paid, the Respondents/authorities would be entitled to construct the road. Though in many matters, we have seen that possession of the land is taken, yet in some matters even award is not passed or though award is passed, adequate and fair compensation has not been given/paid. However, now in view of the affidavit where Respondent No. 8 has undertaken to follow the procedure, we dispose of the writ petition by directing Respondent Nos. 1, 3 to 8 to adopt all the requisite stages under the National Highways Act as well as The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and upon payment of compensation only, Respondent No. 9 should be allowed to carry on the work. In other words, Respondent Nos. 3 to 8 are restrained from going ahead with the construction work of the road wherein the Petitioners' lands are affected till the

Petitioners are paid fair compensation in respect of the acquired or utilised lands. We hope and direct that Respondent No. 8 would complete the entire procedure within a period of six months from today.

(AJIT B. KADETHANKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

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