

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15913 OF 2024**

Balkrishna Lalji Metha (deceased)
Through legal heirs and others ... Petitioners
vs.
The Chief Engineer, National Highways PWD,
Kokan Bhawan and others ... Respondents

Mr. Vivek Vijay Salunke for petitioners.

Ms. Shweta Singh, i/b. M. V. Kini & Co. for respondent No.1-NHAI.

Mr. A. I. Patel, Addl. GP a/w. Ms. G. R. Raghuwanshi, AGP for respondent-State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ**

DATE : 12th FEBRUARY, 2026

P.C. :

. In pursuance of an order dated 21.01.2026, the respondent No.3-Competent Authority, Land Acquisition and Sub-divisional Officer (competent authority) has filed reply affidavit. A perusal of the same shows that the relevant documents are also filed therewith. The documents on record show that as far back as on 08.04.2024, the respondent No.3-competent authority had forwarded a copy of the land acquisition award dated 08.04.2024, to the respondent-National Highway Authority of India (NHAI), with a specific request to make the funds available for disbursing compensation amount to the claimants, including the petitioners herein.

2. The learned AGP appearing on behalf of respondent No.3-competent authority submits that respondent-NHAI has not made the funds available and that a communication was received from the said respondent, asking respondent No.3 to withdraw from acquisition.

3. It is to be noted that respondent No.3 took over possession of

the subject land and handed it over to the NHAI and yet, this is the stand of the NHAI with regard to acquisition. The learned counsel appearing today for the NHAI submits that since it is forest land, the NHAI is unable to take any further steps in the matter.

4. We are shocked and surprised at the approach adopted by the the NHAI, particularly when possession of the subject land has already been taken from the petitioner and the aforesaid award dated 08.04.2024 was forwarded on the same day by respondent No.3-competent authority to the NHAI, asking it to arrange for funds to disburse the compensation amount.

5. The NHAI has failed to file reply affidavit in this writ petition, despite opportunities being granted. We find the approach adopted by the NHAI to be wholly unsustainable and their action is causing grave prejudice to the petitioners, whose valuable property has been taken over without payment of compensation, despite the fact that the land acquisition award was passed about two years ago.

6. In view of the above, we direct the Executive Engineer, National Highways Authority of India, Taluka Pen, District Raigad, to remain personally present in this Court on the next date of listing.

7. In any case, respondent-NHAI shall file its reply affidavit in this writ petition, explaining its stand with regard to the facts brought to our notice in the affidavit-in-reply filed on behalf of respondent No.3-competent authority.

8. Reply affidavit shall be filed within two weeks from today.

9. List the petition for further consideration on 05.03.2026, to be included in the supplementary list.

(SHREERAM V. SHIRSAT, J)

(MANISH PITALE, J.)