



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 7650/2025

(KIRAN JAYANT BHAIYALAL DUDHARE LEGAL HEIR OF LATE JAYANT BHAIYALAL
DUDHARE **VERSUS** SPECIAL LAND ACQUISITION OFFICER, DEPUTY COLLECTOR (LAND
ACQUISITION GENERAL), NAGPUR & OTHERS)

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

Court's or Judge's order

Shri Gajanan L. Agrawal, Counsel for the petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : JANUARY 16, 2026

Heard.

2. By this petition, the petitioner has challenged the order dated 30.12.2024 passed by the Additional Commissioner, Nagpur and Arbitrator under the National Highways Act, 1956 (for short, 'the Act of 1956') rejecting the petitioner's application under Section 3-G(5) of the Act of 1956 by which the petitioner had claimed for enhanced compensation.

3. It is the petitioner's case that a portion of land admeasuring 3328 square meters and 3000 square meters out of her land bearing Survey no.334/3 admeasuring 40 Are was acquired and compensation of about Rs.16,642/- was awarded to her. She filed arbitration case before the Arbitrator under Section 3-G(5) of the Act of 1956 and claimed enhanced compensation at the rate of Rs.1975/- per square meter alleging that her land was from non-agricultural category.

4. The arbitration case was contested by the petitioner as well as the respondents and by order dated 30.12.2024, the Arbitrator has rejected the application by observing that the land was shown as open plot and petitioner has not produced any single document on record for proving that her land was categorized as 'Non-Agricultural land'.

5. Although the learned counsel for the petitioner submitted that the petitioner was entitled for enhanced rate of compensation considering the potential of the land, however there is nothing on record to show that the petitioner's land was categorized as 'Non-Agricultural land'. On the contrary, in view of the undisputed document of tax assessment list, the land appears to be an 'open land' on which there is no construction and thus, the petitioner's claim for enhanced compensation is unsupported by any document. No interference is warranted with the impugned order mainly because of the petitioner's failure to place on record any document before this Court demonstrating that the land was categorized in 'Non-Agricultural' category.

6. The reasons recorded by the Arbitrator therefore do not appear to be perverse and hence, no interference is warranted with the impugned order. The writ petition is dismissed. No costs.

(PRAFULLA S. KHUBALKAR, J.)