



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.2382 OF 2026

Pradeep s/o Subhash Patil, Tah. Malkapur, Dist. Buldhana and anr.

vs.

The Land Acquisition Officer/Sub-Divisional Officer, Malkapur, Dist. Buldhana and ors.

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

Court's or Judge's orders

Shri Kaustubh Topale, Advocate for petitioners.

Shri J. Y. Ghurde, Assistant Government Pleader for respondent Nos.1 and 3.

Shri A. A. Kathane, Advocate for respondent No.2.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 6th April, 2026

Heard Shri Kaustubh Topale, learned counsel for the petitioners. Shri J. Y. Ghurde, learned Assistant Government Pleader for respondent Nos.1 and 3 and Shri A. A. Kathane, learned counsel for respondent No.2.

2. The contention is that the additional land of the petitioners has been acquired by the respondent No.2 and notified under Section 3A of the National Highway Act, 1956, but no joint measurement has been carried out.

3. Shri Kaustubh Topale, learned counsel for the petitioners submits that even the respondent No.2 admits that for excess area acquired, joint measurement was necessary. Accordingly, respondent No.2 has informed the respondent No.1 for carrying out the measurement through the Deputy Superintendent, TILR, Malkapur. However, respondent No.2 is avoiding to deposit the measurement fees required for such joint measurement.

4. The learned counsel for the petitioners submits that the respondent No.2 has not deposited the fees for joint measurement of the petitioners' land bearing Filed Survey No.37, Mouza Rantham, Tahsil Malkapur, District Buldhana. The communication dated 20/09/2023 issued by respondent No.3-Deputy Superintendent, TILR, Malkapur to respondent No.2 substantiates the aforesaid fact that the requisite fees required for such joint measurement is not deposited by the respondent No.2.

5. Shri Anish Kathane, learned counsel who appears for respondent No.2-NHAI has placed on record across the bar Notification dated 04/02/2022 whereby the Central Government has declared in the official Gazette that the land specified in the Schedule shall vest absolutely in the Central Government and in the aforesaid Schedule the land acquired pertaining to the petitioners is mentioned and hence the petitioners will have to pay the fees for the measurement.

6. Shri Topale, learned counsel invited our attention to the pursis dated 04/04/2026 whereby the petitioners undertake that in the event of a joint measurement, if the area under the respondents is found to be less than or up to 400 square meters, the petitioners undertake to bear all measurement expenses. Conversely, if the area is found to exceed 400 square meters, the entire expenses shall be borne by respondent No.2.

7. We accept the statement made in the pursis as an undertaking given to this Court.

8. Hence, for the time being, for resolving the aforesaid dispute as to who will make the payment of requisite fees for joint

measurement, we dispose of the present writ petition with a direction to respondent No.2-NHAI to deposit the requisite fees with respondent No.3-TILR for joint measurement of the land in question.

9. If the joint measurement report reveals that the land acquired is less than 400 square meters, the petitioners in view of aforesaid undertaking given to this Court vide pursis dated 04/04/2026 will deposit the entire fees of joint measurement which in turn shall be refunded to the respondent No.2. If the area is found to be exceeding 400 square meters, the entire expenses shall be borne by respondent No.2.

10. With aforesaid directions, the writ petition is disposed of.

11. No order as to costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)