

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 11956 of 2014**

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SANDHYA SHARAD BHATIA & 1....Petitioner(s)

Versus

UNION OF INDIA & 6....Respondent(s)

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Appearance:

MR BY MANKAD, ADVOCATE for the Petitioner(s) No. 1 - 2

GOVERNMENT PLEADER for the Respondent(s) No. 3 , 6 - 7

MR MAULIK G NANAVATI, ADVOCATE for the Respondent(s) No. 2 , 4 - 5

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CORAM: **HONOURABLE MR.JUSTICE AKIL KURESHI**

and

HONOURABLE MR.JUSTICE Z.K.SAIYED

Date : 30/03/2016

ORAL ORDER

(PER : HONOURABLE MR.JUSTICE AKIL KURESHI)

1. After some discussion, learned counsel Mr. B.Y.Makad for the petitioner submitted that if the National Highway Authority of India ['NHAI' for short] were to remove the area of pavement next to the over-bridge in front of the petrol pump of the petitioner, the petitioner's 330 sq.mtrs of land, which comes under acquisition, can be saved. When pointed out by learned counsel Mr. Maulik Nanavati for NHAI that the duct to be laid down by the NHAI for rain water drainage even if laid underground, as opposed to the normal mode of laying down on the surface, the same would still pass under the surface through

the petitioner's land, counsel for the petitioner submitted that the petitioner would permanently give-up any right to object to such duct passing beneath the ground. The petitioner would also not claim any compensation for such purpose, if the land is released from acquisition.

2. The petitioner shall make such an offer in writing on affidavit which may be filed before the Court latest by 11.04.2016. NHAI may consider such proposal and state its decision on the next date of hearing.

S.O. to 13.04.2016.

(AKIL KURESHI, J.)

(Z.K.SAIYED, J.)

Jyoti