

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1571 OF 2015

Kaduba Dhondiba Gajare .. Petitioner

Versus

The State of Maharashtra and others .. Respondent

Shri Rahul P. Dhase, Advocate for the Petitioner.

Shri V. H. Dighe, A. G. P. for Respondent Nos. 1 and 2.

Shri Umakant K. Patil, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 27TH JANUARY, 2016.

PER COURT :

. Mr. Dhase, the learned counsel for the petitioner submits that, the petitioner is owner of land admeasuring 34R of gut No. 738/1 and 2. About 18R land has been affected in the road widening, however, no compensation is paid to the petitioner. Notices U/Sec. 12(2) of the Land Acquisition Act were issued to the adjoining land owners.

2. Mr. Dighe, the learned A. G. P. submits that, the land of the petitioner is not affected in acquisition. The award is also passed in respect of land acquired. The land of the petitioner is not acquired. Even in the joint measurement, nowhere its shown

that the land of the petitioner is affected.

3. Even in the 7/12 extract, it appears that, land holding of the petitioner is mentioned as 34R. If his land would have been affected, land holding of the petitioner would have been reduced. The respondent No. 2 has also filed affidavit stating that, the land of the petitioner is not affected in the road widening which was undertaken pursuant to the proposal submitted by the Executing Engineer, World Bank Project, Aurangabad.

4. Be that at it may, the petitioner and the respondent No. 2 may have joint measurement of the petitioner's land. It is also not clear from the measurement map submitted at page No. 25 that area of the petitioner's land is reduced and if yes, to what extent. As such, it would be appropriate for the petitioner to have joint measurement with the respondents and depending upon the joint measurement, the further steps may be taken by the authorities. The writ petition is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]