

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

WRIT PETITION NO.6195 OF 2010

Mahadev s/o Kashinath Patil & ors. ... PETITIONER

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri A.V. Patil, Advocate for petitioner
Shri V.H. Dighe, A.G.P. for State
.....

CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.

DATED: 14th March, 2016.

ORAL ORDER :

1. Mr. Patil, learned counsel for the petitioners submits that, the respondents have encroached upon the lands of the petitioners earlier in the year 1975. The respondents illegally acquired the lands without following due process of law for construction of Tuljapur to Aklalkot Road. The award was passed in the year 1982 without including the lands of the petitioners.

Learned counsel for the petitioners submits that, thereafter again the respondents are intending to acquire more land under the garb of road widening of Tuljapur Road. The respondents have also started activities of cutting the trees situated on the side of the road and they have started constructing the bridges so as to facilitate road widening. The petitioners have also given representations in that regard. However, no cognizance is being taken by the respondent authorities, but still the respondents are proceeding with the work. The petitioners cannot be deprived of the properties without due process of law.

2. Mr. Dighe, learned A.G.P. submits that, in fact the road was constructed in the year 1972-73 during the scarcity period i.e. the construction of Itkal Keshegaon Nilegaon Road. Now the construction work of road improvement is being executed for the existing road and there is no proposal to take additional land nor road widening is being effected. There is nothing on record to show that after 1972-73 the respondents have increased or increasing the width of the road. The affidavit-in-reply is filed on record stating that the Tuljapur Mangrul Akkalkot Road is important road connecting two pilgrim centres in Maharashtra. The amount has been sanctioned for improvement of the said road, considering the heavy traffic. The

required funds are also available, but because of the agitation, the said work cannot be executed. The lands which were already acquired in 1972-73 for road purpose and the roads were constructed upon the said land, the improvement work is only done.

3. In light of the above, no case is made out for interference. Writ Petition is dismissed. No costs.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)