

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION STAMP NO. 32152 OF 2015

Chandrakant Gulab Sasane .. Petitioner
Vs.
State of Maharashtra and ors. .. Respondents

Mr.Pratap B.Kakade, for the Petitioner
Ms.M.P. Thakur, AGP for Respondents No. 1 to 3.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.
DATE : 08th AUGUST, 2016**

P.C. :

. Heard learned Counsel for the petitioner.

2. Through this Public Interest Litigation, the petitioner
is seeking following reliefs.

a. This Honourable Court be pleased to call for report of enquiry conducted by the Tahsildar in the matter of access road going through the Gat No. 48, 93, 94 and 96 of Village Kadadhe, Taluka Maval, District Pune and after perusing the same issue writ of Mandamus or any other order, writ or direction in the nature of mandamus against Respondents No. 1 to 3 and direct the Respondent to acquire land covers the access road used by the farmers and cultivators using the same as easementary right over the land of the poor class farmers who are depriving their cultivation due to non availability of access road to them.

b. The Honourable Court be pleased to issue a Writ of Mandamus or any other with order or direction against the Respondents No. 1 to 3 to issue notices under land acquisition Act, 1894 for acquisition of the land covering the access road for public purpose.

c. Pending hearing and final disposal of the Writ Petition. The Honourable Court be pleased to restrain the Respondents No. 4 to 6 not to obstruct the farmers and their vehicles, instruments, and articles used for cultivation of land taken by using the present road and the servants, labours through the road.

3. Undisputedly, Tahsildar - Maval has decided the objection of various villagers - 11 in numbers and passed order on 08/03/2016. Learned Counsel for the petitioner submits that those villagers have challenged the said order of the Tahsildar before S.D.O., Maval in Appeal and the said Appeal is still pending.

4. In view of aforesaid, we do not find any ground to entertain this Public Interest Litigation. Since the matter is already pending in the Appeal before S.D.O., Maval, we direct the S.D.O., Maval to decide the Appeal filed at the instance of some of the villagers as expeditiously as possible.

5. With the aforesaid, Public Interest Litigation stands disposed of.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)