

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3736 OF 2016

Shri Shivaji Kisan Bagate And Anr. ...Petitioners
Versus
The State Of Maharashtra And Ors. ...Respondents

Mr.Prajakt M Arjunwadkar for the Petitioners.

Mr.P.G. Sawant, AGP for Respondent-State.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 05th FEBRUARY 2018

P.C.

1. Heard learned counsel for the petitioners and learned AGP for respondent-State.

2. The land admeasuring about 13 Guantas from Gat No.537 situated at Village Nagapur is already acquired by the respondent-authority for construction of Nagapur-Valati Road. The grievance of the petitioner is that that respondent-authorities are constructing the said road beyond the acquired portion of the petitioners land under Gat No.537.

3. On behalf of the respondent Mr.Rakesh Ramchandra Sonawane, Assistant Engineer (Grade-I), PWD, Sub-Division, Ghodegaon, Taluka-Ambegaon, District-Pune has filed an affidavit in para 4 and 5 he has made following averments.

“4. With reference to Paras 2I to 2L of the Petition, I deny the contentions raised by the Petitioner in these paras. I deny contention that an attempt being made by our department to construct the road only through the land bearing Gat No.537 and in non-acquired area. I say that the road being constructed as per the approved plan and within the acquired land.

5. I say that the construction work of road is strictly according to the plan. The contention of the Petitioner that we are or we may construct outside the plan is totally baseless and not founded on any grounds.”

4. In the light of above statement, Mr.Sawant, the learned AGP states that the Nagapur-Valati road would be constructed only on the land already acquired and they do not propose to construct the road beyond the acquired land. Statement is accepted.

5. In the light of the statement, the grievance of the petitioner no more survives. The petition is disposed of accordingly.

(SMT.ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)