

(1)

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

PUBLIC INTEREST LITIGATION NO.42 OF 2013

1. Nandu Bhimrao Patil,
Age: 50 years, Occu: Agriculture,
R/o: Krishipasad Bungalow,
Mohadi Road, Near Old water
Tank, Dhule, Tq. & Dist. Dhule
 2. Subhash Bhavarlal Kotecha,
Age: 47 years, Occu: Business,
R/o. 384, Lane No.7, Subhash Nagar,
Junay Dhule, Dhule-1
- ..PETITIONERS

VERSUS

1. Union of India,
Road Transport and Highways Department,
Through Secretary,
New Delhi
 2. G. M. (T) and Project Director,
Project Implementation Unit,
Dhule, Survey No.10/2,
Plot No.11, Mansaram Nagar,
Sakri Road, Dhule,
Tq. & Dist. Dhule
 3. Competent Authority,
Land Acquisition NH-6,
Deputy Collector, Land Acquisition (General),
Collector Office, Dhule
 4. The State of Maharashtra,
Through the Collector, Dhule
 5. The Project Manager,
L&T-GEHL, Mansaram Nagar,
Near Circuit House, Sakri Road,
Dhule
- ..RESPONDENTS

(2)

Mr S. P. Brahme, Advocate for petitioners;
Mr A. B. Dhongade, Standing Counsel for respondent No.1;
Mr D. S. Manorkar, Advocate on behalf of M/s M. V. Kini & Co. for
respondent No.2;
Mr S. P. Sonpawale, A.G.P. for respondents/State

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 21st September, 2019

ORAL ORDER:

Heard Mr Brahme, learned Counsel appearing on behalf of the petitioners.

2. The petitioners, by way of present public interest litigation have challenged the notification dated 27th October, 2011 as well as notification dated 19th October, 2012. These notifications were issued for acquisition of land for the road construction.

3. Learned Counsel appearing on behalf of the competent authority i.e. National Highway authority of India submitted before this Court that the petition was filed in the year 2013 and no interim order was operating against respondents. Post filing of the petition, the major work of construction of road is not only completed but compensation is also awarded and received by those land owners, whose lands were acquired.

(3)

4. Mr Brahme, learned Counsel for the petitioners, in his usual fairness, admits this position and then submits that the ground raised in this petition now is rendered academic.

5. Considering the position above, we see no reason to keep the present petition pending for a limited purpose of an academic interest. There is another facet of the matter that as now majority work of construction of road is completed, no fruitful purpose would be served, so as to reverse the clock back and such exercise would not be in the interest of any of the parties. As such, the petition is disposed of accordingly.

6. Needless to state that no orders need to be passed on the pending civil applications, if any, and the same are also disposed of accordingly.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)