

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

WRIT PETITION NO. 4732 OF 2018

Jagannath Mahadeo Gulve and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Dattatraya R. Jayabhar, Advocate for Petitioners.

Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 to 4.

Shri S. S. Deve, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 25TH SEPTEMBER, 2019.

FINAL ORDER :

. Heard Mr. Jayabhar, learned counsel for the petitioners and Mr. Deve, learned counsel for the respondent No. 5 and the learned Assistant Government Pleader for Respondent Nos. 1 to 4.

2. Paragraph nos. 4 and 5 of the affidavit-in- reply filed by respondent no. 5 reads thus

“....

4. I says and submits that, the land of petitioner is proposed for acquisition for the widening of the National Highway no. 361/F and after following the due processes of acquisition, the respondent will pay the compensation to the petitioners.

5. I says and submits that, the national highway authority is widening the said road Loha – Gangakhed – Parali – Beed – Kharwandi. Earlier the said road was called as district highway, the said district highway was in exist since more than 3035 years, now the additional land which is required for National Highway purpose is proposed for acquisition. The said process is going on as per the National Highways Act 1956 and accordingly the steps has been taken by the Respondent. In the light of the above facts and circumstances it is submitted that, the compensation amount as per the award will be paid to the all concerned after receipt of amount. In view of the above facts and circumstances the present writ petition is devoid of merits and hence same may be dismissed in limine in the interest of justice.”

3. In view of the affidavit-in-reply filed, the grievance of the petitioners stand redressed.

4. The writ petition is accordingly disposed of. No costs.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 19