

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

WRIT PETITION NO. 11645 OF 2018

Nanasaheb Jayvantrao Wakle
and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 10696 OF 2018**

Sanjay Kachru Adhane and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 13556 OF 2018**

Shivaji Balkrishna Wakle .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. R. Chandak, Advocate h/f Shri S. M. Kshirsagar,
Advocate for Petitioners in all matters.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3 and 5 to 7
in all matters.

Shri B. B. Kulkarni, Advocate for the Respondent No. 4 in all
matters.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.
DATE : 22ND FEBRUARY, 2019.**

FINAL ORDER :

. Affidavit in reply is filed by the District Collector, Aurangabad. Para Nos. 4 and 5 of the affidavit in reply reads thus :

"4. I say and submit that, it has been reported by the respondent no. 3 that as on date the notification u/s 3A of the National Highways Act 1956 has been prepared and submitted for approval of the Respondent no. 8 only to the extent of Land in Survey No. 129 Admeasuring 8982.3 Sq. Meters, and S. no. 130 admeasuring 3044.786 Sq. Meters at Village Wadod (Bk) in Khultabad Taluka. The land of the present petitioner in Gut no. 179 at village Bhadji Tq. Khultabad is as on date not included in the said Proposal.

5. I say and submit that, if at all, after the Joint Measurement Survey, conducted by the Rspondent No. 8-National Highway Authorities, if the respondent no. 8 is in requirement of additional Land, other than the Existing Area of the Said Road and if the Respondent no. 8 submits the Acquisition proposal in respect of the land of the

petitioner at Village Bhadji, if required, then in such circumstances the Respondent no. 3, shall initiate the appropriate Land Acquisition Proceedings as per the Proposal submitted by the Respondent no. 8 by following due process of law."

2. As per the said affidavit the proposal is received for acquisition and notification U/Sec. 3-A of the National Highways Act is under preparation of lands Sy. No. 129 and 130 situated at village Wadod, Tq. Khultabad.

3. According to petitioners the lands of petitioners are not situated in Sy. No. 129 and 130. The respondents are carrying out work in the lands of the petitioners.

4. It is trite that no person can be deprived of his property except by following due procedure established by law. In case the respondents arrive at conclusion that the lands of petitioners are also affected in the acquisition, they shall take up acquisition proceedings. The respondents shall not dispossess the petitioners of their lands owned and possessed by the petitioners legitimately. The respondents shall consider whether the lands of the petitioners are affected by the proposed work and after measurement, if it is found that the lands of petitioners are affected, then they shall take up the acquisition proceedings

immediately. This order would not be an impediment for the respondents to carry out the work over the lands under acquisition. The writ petitions are disposed of. No costs.

[A. M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 19