

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11213 OF 2018

KAUSALYABAI SUKHLALJI BAJAJ THROGUH GPA ASHOK
SUKHLALJI BAJAJ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Sikchi Aditya N.
AGP for Respondents No. 1, 3 & 4 :
Mrs. V. N. Patil Jadhav
Advocate for Respondent No. 2 :
Mr. S. R. Choukidar

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALÉ, JJ.

DATE: 20th FEBRUARY, 2019

PER COURT :

1. The petitioner seeks direction against the respondents to initiate land acquisition proceedings in respect of the land under ownership of the petitioner situated at Survey No. 382, Taluka – Majalgaon that is acquired for 9 metre Development Plan road.

2. The Tahsildar has filed an *affidavit in reply* to the effect that Tahsildar – Majalgaon after

spot inspection *prima facie* came to the conclusion that land of the petitioner is not affected by 9 metre road.

3. The petitioner relies on the Lay Out sanctioned by the Municipal Council, Majalgaon to suggest that 9 metre Development Plan road is part of his Lay Out plan.

4. Respondent no. 2 is not disputing the case of the petitioner but is suggesting that it is the Public Works Department that has constructed road.

5. It is submitted that road is also constructed about 4 to 6 months back.

6. In the light of above, it would be appropriate for the parties to have joint measurement and to carve out the portion affected under the road and whether the same forms part of the ownership of the petitioner's land Survey No. 382.

7. The joint measurement shall be conducted

within a period of one (01) month from today, and if in the joint measurement it is found that the area of the Development Plan road is from the land of the petitioner, then respondent / State Authority shall initiate acquisition proceedings for acquisition of the said land within a period of three (03) months thereafter, and the same shall be concluded as stipulated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

8. Writ Petition disposed of accordingly.
No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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