

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

7 WRIT PETITION NO.666 OF 2018

LAXMAN JAIRAM DHOKLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
WITH
WITH WRIT PETITION NO.1163/2018

SANDU RANGNATH SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
WITH WRIT PETITION NO.4302/2018

SHIVAJI JAYAJI SUSTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Adkine Sonaji K, Advocate for the Petitioners
Mrs. P. V. Diggikar, Advocate for Petitioners : Mr. Adkine Sonaji K
AGP for the Respondents 1, 2 and 5/State: Mrs. P. V. Diggikar
Advocate for Respondents 3 and 4 : Mr. P. S. Pawar, Mr. A. Z. Zaidi h/for
Mr. Deshmukh Saud A.N. and Mr. K. D. Mundhe, respectively.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 29th January, 2019

PER COURT :

1. Mr. Adkine, learned Advocate for the petitioners submits that the petitioners are the owners of agricultural lands situated at village Pendgaon. The part lands of the petitioners are being used for construction of road i.e. Pendgon to Deoulgaon Bazaar. No acquisition proceeding is initiated nor

any compensation amount is being paid. The respondents cannot acquire the lands of the petitioners without paying compensation.

2. Respondent No.4 has filed reply and submits that the claimants are not entitled for the compensation as per Government Resolutions dated 26th October, 2010 and 9th March, 2001. No compensation is required to be paid in respect of the lands acquired by consent. The construction of road is carried out within the boundaries of the road as per standard specifications of the road boundaries.

3. There is dispute as to whether the road is being constructed on the original road or the land of the petitioner are being affected. If the road is constructed on the lands of the petitioners, in the year 1971-72, certainly the petitioners would not be entitled for compensation. However, if the road is being widened now, then in respect of the area occupied under widening of road, the petitioners would be entitled for compensation.

4. The petitioners may get their lands measured and thereafter move the concerned authorities. The authorities shall consider whether any further land is being occupied for the construction of road or the construction of the road is on the existing road, which may have been constructed in the year 1971-72 or sometime thereafter.

5. In case the road is constructed earlier in the year 1971-72 or sometime thereafter, certainly the petitioners would not be entitled for compensation. However, if the road widening is being done by occupying the land of the petitioners, then the petitioners would be entitled for compensation.

6. With the above observation, writ petitions are disposed of. No costs.

(A. M. DHAVALÉ, J.)

(S. V. GANGAPURWALA, J.)

JPC