

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13607 OF 2018

Dnyaneshwar Vitthal Kedari .. Petitioner

Vs

The Tahasildar, Mulshi (Paud)

District Pune & Ors. .. Respondents

...

Ms. Kanchan Phatak i/b Mr. Nitin P. Deshpande for the
Petitioner.

Mr. M.M. Pabale, A.G.P. for Respondent Nos.1 and 2.

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 13TH DECEMBER, 2019.

P.C:-

1. The learned counsel for the Respondents does not dispute that being a project affected person, the Petitioner was allotted land comprised in Gat No.118/1 of Village Nere, Dattawadi, Taluka Mulshi, District Pune. The Revenue Map, Exhibit-C, filed along with the Writ Petition is also accepted by learned counsel for the Respondents.

2. The Revenue Map would show that from the main road access to lands comprised in Gat Nos.119, 118/1 and 118/2 is through the zigzag road reflected in parallel dotted line in Exhibit-C.

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3. The grievance of the Petitioner is that at the site the road has not been laid and, as a result, tenure holders of the lands abutting the road prevent the Petitioner to access land comprised in Gat No.118/1.

4. The problem which the Petitioner faces is that being a project affected person, he is a new entrant in the village and the villagers are ganging up against the Petitioner.

5. A citizen of the country has the right to access his property and it is the duty of the State to ensure that nobody obstructs a person from accessing and enjoying possession of his property.

6. We dispose of the Writ Petition directing the State of Maharashtra through its concerned Department to lay the road as reflected in Exhibit-C. We direct the Senior Inspector of Police, Hinjewadi Police Station under whose jurisdiction Village Nere falls, to depute a police officer to assist the Petitioner as and when the Petitioner is prevented from accessing his land in Gat No.118/1 of Village Nere. We direct the said police officer to register FIRs for offences punishable under Sections 339/341 IPC against the persons who obstruct the Petitioner from proceeding in the direction to reach his land.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)