

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

**REVIEW APPLICATION (ST) NO. 4329 OF 2020
IN
WRIT PETITION NO. 962 OF 2018**

Nagnath Vishwanath Pawar and others .. Applicants

Versus

The Union of India and others .. Respondents

Mr. S. S. Gangakhedkar, Advocate for the Applicants.
Mrs. R. P. Gour, AGP for Respondents-State.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 13th MARCH, 2020.

PER COURT:-

1. Mr. Gangakhedkar, learned counsel for the review applicants submits that this Court while passing the order under review was misguided by the respondents. It was contended by the respondents that the petitioners have not raised objection to the modified plan and that the lands of the four petitioners out of 16 are only affected. In fact, the lands of nine persons are affected and the objection was raised to the original plan as well as the modified plan. The learned counsel refers to the objection dated 10.01.2017.

2. According to the learned counsel for the applicants, the modified plan was brought into effect in November 2017. The objections do not

appear to have been raised after the modified plan was published. In view of that, there is no error apparent on the face of record. Another contention of the learned counsel is that the Grampanchayat resolution is a concocted document. No such resolution was passed. We have observed that in absence of malafide, it would not be possible to consider the case of the petitioners. Moreover, to lay down the alignment is the job of experts. The Court would not substitute its views for the wisdom of the experts.

3. We had not entertained the writ petition on the ground that alignments are made considering the stretch of the road and considering the actual area to be acquired. Unless malafides are shown, it would not be appropriate to interfere in the matter. We have observed that in absence of any malafides and no objection raised by the petitioners at the relevant time, it is not possible to accede with the contention of the petitioners.

4. In the light of the above, review application is rejected.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.