

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

59 WRIT PETITION NO.6619 OF 2020

SITABAI VITTHAL MANDLIK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
WITH

60 WRIT PETITION NO.6627 OF 2020

NARENDRA RAMESHWAR AGRAWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr Tope Sambhaji S.
AGP for Respondents State: Mr. S. G. Karlekar
Advocate for Respondent No.7 : Mr. Swapnil S. Patil

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 14th December, 2020

ORDER:

1. Mr. Tope, the learned advocate for the petitioners submits that the present matter is related to the extension of width of the road from Ghansawangi to Teerthapuri. The same is an extension of the work from Jalna to Ghansawangi.
2. It is further submitted that the work beyond 12 meters width of the road is also carried out by the respondents. The respondents be directed to measure the extent of the land affected beyond 12 meters width of the road.
3. This Court has decided the matters concerning the expansion of road from Jalna to Ghansawangi under judgment and order dated 30th April, 2020 in writ petition No. 4741 of 2019 with other connected matters.

We had asked the learned Additional Government Pleader to confirm with the authorities the contention of the petitioners that the work involved in the petition is extension of Jalna Ghansawangi road. The learned Addl. G.P., on instructions from the Authorities, confirms that the present matter pertains to expansion of road from Ghansawangi to Teerthspuri highway and same is extension of Jalna to Ghansawangi road.

4. In light of above, the petitioners shall certainly be governed by the judgment and order of this Court dated 30th April, 2020 passed in Writ Petition No. 4741/2019 with connected matters..

5. For the reasons stated in the order dated 30th April, 2020 in writ petition No. 4741 of 2019 with connected matters, the present writ petition is also disposed of on the same terms.

6. The writ petition is partly allowed.

7. The respondents are allowed to carry out the work on writ road to the extent of 10 meters wide plus one meter on either side i.e. 12 meter wide. The respondents shall not carry out construction of writ road beyond 12 meters without following due procedure of law. The respondents, in that case, shall acquire the affected property from the legitimate owner in accordance with the provisions of law or by private negotiations.

8. In case the respondents have carried out the construction work beyond 12 meters width of the road affecting land of the petitioner, then the measurement shall be made beyond 12 meters width of the road as

observed in the judgment, thereby quantifying the land affected of the petitioner in the widening of the road and further steps be taken accordingly. The same shall be done expeditiously, preferably within four months.

9. The writ petitions are disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

JPC