

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

WRIT PETITION NO.5679 OF 2020

**NAMDEO KISAN BODHNE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioner : Shri Chavan Sudhir K.
AGP for Respondents 1 to 9 : Shri P.S. Patil
Advocate for Respondent 10 : Shri R.A. Tambe
Advocate for Respondent 11 : Shri P.D. Suryawanshi
...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 24th September, 2021

Per Court :-

1. By this Writ Petition, the petitioner has sought a direction not to take possession of his agricultural lands without following the due process of law in land acquisition proceedings.

2. We have extensively heard the learned counsel for the respective sides on 22.09.2021 and today. After considering their submissions, we find that the nucleus of the dispute is as to whether, the village road was a straight road marked as a yellow strip on page 123 or whether, there was an earlier road adjacent to the *Maharwada*, bisecting Gat No.14 and Gat No.201 on the

west side and taking a right turn bisecting Gat No.201 in the middle and abutting Gat No.200 to reach the yellow strip in a triangular form. This portion is marked in blue at page 123.

3. There have been affidavits in reply, counter affidavits and additional affidavits filed by all the litigating parties before us. A serious dispute has been raised as regards whether, the yellow strip is the old road as per the village map or whether, triangular blue strip is the old road since 1972.

4. Such disputed questions cannot be dealt with in the extraordinary jurisdiction of this Court exercising Article 226 of the Constitution of India.

5. In view of the above, we decline to exercise our jurisdiction. This Writ Petition is disposed off. We leave it open to the petitioners to avail of a remedy as may be permissible in law to seek a resolution of such disputed issues.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)