

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6159 OF 2020

VISHNU BABASAHEB LONDHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.S.Tope, Advocate for the petitioners.
Mr.S.B.Yawalkar, AGP for respondent Nos. 1 to 5 and 7.
Mrs.Sudha Chintamani, Standing Counsel for respondent No.6.
Mr.S.S.Patil, Advocate for respondent No.8.

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

DATE : NOVEMBER 23, 2021

PER COURT :

1. By this petition, the petitioners have put forth prayer clauses B & C as under :-

“B. By issuing the writ of mandamus or any other writ in the like nature, this Hon’ble Court may kindly direct the respondent authorities, not to take the forceful possession of the land of the petitioners for road widening without compensation and without following due process of law of land acquisition.

C. By issuing the writ of mandamus or any other writ in the like nature, this Hon’ble Court may kindly direct the respondent

authorities, to stop the road widening work of Jalna-Rohanwadi-Talegaon-Ghansawangi (SH-26) to the extent of lands of petitioners i.e. villagers of Talegaon and immediately take appropriate action for compensation against taking possession of the land to the petitioners.”

2. It is pointed out that a Co-ordinate Bench of this Court has delivered a judgment on 30/04/2020 in WP No.4717/2019 (connected petitions). The same order needs to be passed in this petition.

3. The learned AGP and the learned Advocate for respondent No.8, confirm the said statement.

4. In view of the above and for the reasons set out in the judgment dated 30/04/2020, in WP No.4717/2019, this writ petition is partly allowed with the same directions set out in paragraph no.23, which read as under :-

“23. The respondents are allowed to carry out the work on writ road to the extent of 10 meter wide plus one meter on either side i.e. 12 meter wide. The respondents shall not carry out construction of writ road beyond 12 meter without following due procedure of Law. The respondents in that case shall acquire the affected property from the legitimate owner in

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accordance with the provisions of Law or by private negotiations.”

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)