

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6360 OF 2020

BHAGUJI GOMAJI SHELKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.S.S.Tope, Advocate for the petitioner.
Mr.S.B.Yawalkar, AGP for respondent Nos. 1, 2, 4 and 6.
Mr.S.S.Patil, Advocate for respondent No.7.
Smt.Sudha Chintamani, Standing Counsel for Union of India.

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

DATE : NOVEMBER 23, 2021

PER COURT :

1. The learned Advocate for the petitioners submits that this petition is concerned with the Project of extension of width of the road from Ghansawangi to Tirthpuri. By an order dated 14/12/2020, passed by a Co-ordinate Bench of this Court in WP No.6619/2020 and 6627/2020, the petitions were partly allowed. The same order needs to be passed in this matter.

2. The learned AGP and the learned Advocate representing the respondents confirm the said statement.

3. In view of the above, this petition is partly allowed with the identical directions set out in paragraph Nos. 7 and 8 of the order dated 14/12/2020, which read as under :-

“7. The respondents are allowed to carry out the work on writ road to the extent of 10 meters wide plus 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.”

4. Needless to state, the period of 4 months set out in the above order, shall be computed from the date of this order.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)