

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

80 WRIT PETITION NO.7113 OF 2020

UTTAM DATTATRAY KALE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners: Mr. Naiknaware Ramesh V.
AGP for Respondents No. 1 to 7: Mr. S. G. Karlekar

...

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

DATE: 15th FEBRUARY, 2021

PER COURT:

1. Mr. Naiknaware, learned Counsel for the petitioners submits that as per tender the width of the proposed road is 10 Meters, however, the existing road width is only 7 to 10 Meters. Without acquisition, respondents are trying to expand the width of the road.

2. The affidavit is filed by the Sub Divisional Engineer, PWD, Kalamb. Paragraphs no. 5 and 6 of the affidavit reads thus-

"5. I say and submit that, even as per the contention of the petitioners in paragraph no.8 of the petition, the existing road width is 7-10 meters. I further say and submit that, although the road in question i.e. State Highway No. 203 (Earlier SH No. 150) is notified as State Highway and as such has width of 30 meters; the work being carried on under the tender process on part of SH No. 203 is only upto 7 meters of road

plus side shoulder admeasuring 1.5 meters on each side of the road and as such the work being carried on is within 10 meters of road which even as per contention of the petitioner is in existence for more than 40 years.

6. I say and submit that, since the work carried on SH-203 abutting which petitioners land are situated is within the existing width of 10 meters and as such claim of the petitioner for initiation of process of acquisition and payment of compensation does not merit consideration."

3. It has been clarified that the work is being done within the width of 10 Meters and as such the claim of the petitioners for initiation of process of acquisition and payment of compensation does not merit consideration.

4. On affidavit, it has been stated that the construction is carried out within the width of 10 meters only. The grievance of the petitioners does not survive.

5. If, in future, the respondents want to extend the width of the road, then the petitioners may raise their grievance as may be permissible under law.

6. Writ Petition is disposed of. No costs.