

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

WRIT PETITION NO. 7658 OF 2020

Jayantilal Haridas Bhanushali
and another .. Petitioners
Versus
The Union of India and others .. Respondents

Shri D. P. Palodkar, Advocate for Petitioners.
Shri D. S. Manorkar, Advocate for the Respondent No. 2.
Shri S. K. Tambe, A.G.P. for the Respondent No. 3.
Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 4.

**AND
WRIT PETITION NO. 7675 OF 2020**

Kisan Sakharam Dhotre .. Petitioner
Versus
The Union of India and others .. Respondents

Shri D. P. Palodkar, Advocate for the Petitioner.
Shri D. S. Manorkar, Advocate for the Respondent No. 2.
Shri A. R. Kale, A.G.P. for the Respondent No. 3.
Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 4.

**AND
WRIT PETITION NO. 7643 OF 2020**

Santosh Ganpat Dhotre and another .. Petitioners
Versus
The Union of India and others .. Respondents

Shri D. P. Palodkar, Advocate for Petitioners.
Mrs. Sudha S. Chintamani (Kulthe), Advocate for the
Respondent No. 1.
Shri D. S. Manorkar, Advocate for the Respondent No. 2.
Mrs. V. S. Choudhari, A.G.P. for the Respondent No. 3.
Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 4.

AND
WRIT PETITION NO. 7659 OF 2020

Rajendra Kaduba Gajare	..	Petitioner
Versus		
The Union of India and others	..	Respondents

Shri D. P. Palodkar, Advocate for the Petitioner.
Shri R. R. Bangar, Advocate for the Respondent No. 1.
Shri D. S. Manorkar, Advocate for the Respondent No. 2.
Shri S. K. Tambe, A.G.P. for the Respondent No. 3.
Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 4.

AND
WRIT PETITION NO. 7660 OF 2020

Anita Sandipan Pol and another	..	Petitioners
Versus		
The Union of India and others	..	Respondents

Shri D. P. Palodkar, Advocate for Petitioners.
Shri R. B. Bhosale, Advocate for the Respondent No. 1.
Shri D. S. Manorkar, Advocate for the Respondent No. 2.
Shri S. G. Karlekar, A.G.P. for the Respondent No. 3.
Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 4.

AND
WRIT PETITION NO. 8096 OF 2020

Natwarlal Walji Diwani Patel	..	Petitioner
Versus		
The Union of India and others	..	Respondents

Shri D. P. Palodkar, Advocate for the Petitioner.
Shri A. G. Talhar, A.S.G. for the Respondent No. 1.
Shri D. S. Manorkar, Advocate for the Respondent No. 2.
Mrs. V. S. Choudhari, A.G.P. for the Respondent No. 3.
Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 4.

AND

WRIT PETITION NO. 8097 OF 2020

Lahu Vitthal Dhotre and another .. Petitioners
Versus
The Union of India and others .. Respondents

Shri D. P. Palodkar, Advocate for Petitioners.
Shri D. S. Manorkar, Advocate for the Respondent No. 2.
Mrs. V. S. Choudhari, A.G.P. for the Respondent No. 3.
Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 4.

AND
WRIT PETITION NO. 8098 OF 2020

Devji Walji Diwani Patel .. Petitioner
Versus
The Union of India and others .. Respondents

Shri D. P. Palodkar, Advocate for the Petitioner.
Shri A. N. Patale, Advocate for the Respondent No. 1.
Shri D. S. Manorkar, Advocate for the Respondent No. 2.
Mrs. V. S. Choudhari, A.G.P. for the Respondent No. 3.
Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 4.

CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 05TH FEBRUARY, 2021.

FINAL ORDER :

. We have heard Mr. Palodkar, the learned advocate for petitioners, Mr. Chapalgaonkar, the learned advocate for the Municipal Corporation and Mr. Manorkar, the learned advocate for the National Highways Authority.

2. The apprehension of the petitioners is that, the

respondents are intending to construct/widen the road from the lands of the petitioners without resorting to acquisition proceedings.

3. Affidavit is filed by the respondent No. 4. The relevant paras of the affidavit reads thus :

“3) I say and submit that, National Highway Authority of India i. e. Respondent No. 02 has proposed for construction of Underpass/Flyover bridge in front of Airport area with intention to streamline traffic. Approximately 45 meter of width of the road is expected for the proposed development. However, the existing road of 30 meter width only is available at the site. The Respondent Corporation has no provision for further expansion of road/acquisition of private land for that purpose. However, if such requirement is given from the National Highway Authority, Respondent Corporation is ready to initiate the proceeding for acquisition of the land subject to the provision of acquisition cost from the National Highway Authority.

4) I say and submit that, Respondent No. 2 National Highway Authority of India has made provision for onetime improvement of road from Nagar Naka to Cambridge School within the limits of Aurangabad Municipal Corporation. However, there is no allotment of funds for acquisition of the private land.

5) I say and submit that, a joint meeting dated 31/12/2020 was convened to discuss the issue. The representative of Aurangabad Municipal Corporation & National Highway Authority of India were present in the said meeting. The issues about acquisition of land for purpose of proposed Underpass / Flyover bridge in front of Chikalthan Airport was discussed in detail. It was noted that, as per existing development plan,

there is no provision for expansion of road. The representative of National Highway Authority of India has expressed that, there is no provision for acquisition of private land, however, the proposed underpass in front of Chikalthana Airport would be constructed within the existing road only. The copy of minutes of meeting and the communication dated 31/12/2020 is annexed herewith and marked as **EXHIBIT-R1** for ready reference of this Hon'ble Court.

6. I say and submit that, in light of aforesaid facts, it is clear that, there is no proposal for acquisition of any land in front of airport either from Municipal Corporation, Aurangabad or National Highway Authority of India. The Petitioner has no cause of action to seek any direction from this Hon'ble Court in exercise of Writ Jurisdiction. Further petitioner has no reason to state that, there would be forcible acquisition / possession of the land at the hands of respondent corporation. In light of the aforesaid facts, the Writ Petition deserves to be rejected.”

4. The minutes of the meeting dated 31.12.2020 are also placed on record by the respondent No. 4. The affidavit as reproduced supra seems to have been filed in tune with the minutes of the meeting dated 31.12.2020.

5. In the light of the affidavit filed by the respondent No. 4, the apprehension of the petitioners stands redressed.

6. In case, in future, if the petitioners have cause of action, then the petitioners may agitate afresh. In that event all contentions of the parties are kept open.

7. In the light of that, the writ petitions are disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Feb. 21