

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.860 OF 2020

- 1) Amol Narayan Injalkar,
aged about 40 years, occupation :
agriculturist, r/o Survey No.158,
village Dolhari, Tahsil Darwaha,
District Yavatmal.
 - 2) Sandip Dnyaneshwar Ole Patil,
aged about 50 years, occupation :
business, r/o Gat No.5, Village
Shendri, Tahsil Darwaha,
District Yavatmal.
 - 3) Dnyaneshwar Govindrao Wankhede,
aged about 45 years, occupation :
agriculturist, r/o Survey no.25,
village Shendri, Tahsil Darwaha,
District Yavatmal.
 - 4) Gayabai Champatrao Lonkar,
aged about : major, occupation :
agriculturist, r/o Survey No.55,
village Ganeshpur Tahsil Darwaha,
District Yavatmal.
 - 5) Dattatraya Pandurang Raut,
aged : major, occupation :
agriculturist, r/o Survey No.184,
village Pekarda, Tahsil Darwaha,
District Yavatmal.
- ... Petitioners

- Versus -

- 1) State of Maharashtra, through the
Public Works Department,

Mantralaya, Madam Cama Road,
Mumbai – 440032.

- 2) Eagle India Limited, having its
Registered Office at Eagal
Nest, Plot No.758, Behind
Chopra Court, Ulhasnagar, Thane,
Maharashtra.

... Respondents

Shri Atharva S. Manohar, Advocate for petitioners.

Shri N.R. Patil, Assistant Government Pleader for respondent no.1.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : MAY 4, 2021

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Hearing was conducted through Video Conferencing and the learned Counsel for the parties agreed that the audio and visual quality was proper.

- 2) Rule, returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

- 3) By this petition, the petitioners have sought a declaration that the action being taken by the respondents in forcibly taking possession of the lands of the petitioners in their effort to undertake

road widening work is violative of Article 300-A of the Constitution of India. The petitioners have also sought an injunction against the respondents from taking possession of any portion of the lands of the petitioners and carrying out the road widening work.

4) Shri Patil, learned Assistant Government Pleader for the respondent no.1, submits that these reliefs have been sought by the petitioners without any reasonable apprehension of the possibility of taking possession of the lands of the petitioners and carrying out road widening work by entering into their lands. He further submits that the respondent no.1 has made specific statements in this regard, which should allay whatever apprehensions the petitioners may have in the matter. Shri Atharva Manohar, learned Counsel for the petitioners, states that if these statements are recorded in the present judgment, it would serve the purpose of the petitioners.

5) We are also of the opinion that the statements so made in the reply filed on behalf of respondent no.1 be reproduced here for the sake of convenience and they go as under :

“3. Fact remains that neither any land of the petitioners was ever being taken in possession as alleged and nor any land of the petitioners sought to be acquired as alleged.

All that is being done is that width of the bitumen surface on the existing road is being widened on the existing “earthen/murum road shoulder” and even thereafter portion of the existing earthen/shoulder of the road shall still exist and the earlier “Catch Water Drain”/“Field Drain” along the road will continue to exist as it existed earlier. No land beyond the existing earlier “Catch Water Drain”/“Field Drain” is sought to be used, acquired or sought to be taken in possession by the respondents.

The earlier existing bitumen surface is of 5.50 meters width and same is being widened from 5.50 to 10.00 meters on the existing “earthen/murum road shoulder”. There has been no proposed expansion of the road into any of the adjoining fields.”

6) The afore-stated statements serve the purpose of this petition and, therefore, this petition deserves to be disposed of in terms of these statements. The petition is disposed of accordingly. Rule is made absolute in the above terms. No costs.

JUDGE

JUDGE

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