

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4110 OF 2021

SANDIPAN SHRIRANG WAGHMARE AND OTHERS
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND OTHERS

Ms.PPShinde h/f Mr.PB.Jadhav, Advocate for the petitioners.
Mrs.M.A.Deshpande, AGP for respondent/State.
Mr.R.B.Bhosale, ASGI for respondent Nos. 1, 4 and 5.
Mr.S.G.Kawade, Advocate for respondent No.7.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : APRIL 11, 2022

PER COURT :

1. We have heard the learned Advocates for the respective sides, the learned AGP on behalf of the State and the Standing Counsel for the Union of India.

2. In similar set of circumstances, we had issued directions in WP No.4022/2019 filed by Pandurang Vs. State of Maharashtra, on 20.01.2022 and in WP No.5069/2019 filed by Kashinath Sopan Vs. The Union of India and others, on 02.03.2022.

3. The Hon'ble Apex Court has held recently in **M/s N.G.Projects Ltd., Vs. M/s Vinod Kumar Jain, Civil Appeal No.1846/2022** decided on **21/03/2022**, that the High Court should not exercise its writ jurisdiction for stalling a public project.

4. As such, akin to the directions issued in our orders dated 20.01.2022 and 02.03.2022, this petition is disposed off with the same directions as under :-

[a] A joint measurement of the lands be carried out.

[b] We direct the acquiring body to bear the fees for the measurement of the road since the widening of the road is almost completed.

[c] Needless to state, after the joint measurement of the writ lands, if any dispute occurs or if the petitioners are of the view that the measurement may not be acceptable to them, they would be at liberty to take recourse to the remedies as are available before the Civil Court for getting their rights adjudicated.

[d] It goes without saying that these petitioners would participate in the joint measurement and would be ready with their land records/ revenue records for assisting the authority while measuring the land.

[e] We make it clear that we have not passed any order staying or stalling any project.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)