

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4605 OF 2022

Prakash Pawar

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. V. S. Kapse for the Petitioner

Mrs. A. A. Purav, AGP for the State

Mr. Sandeep Ladda a/w. Adnan Ansari and Aadesh Jadhav for
Respondent No.3 – NHAI

**CORAM: S.V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : APRIL 20, 2022

P.C.

1 We have heard the learned Counsel for the Petitioner, the learned Counsel for the Respondents and also the learned AGP.

2 The learned Counsel for the Petitioner submits that because of the interim orders passed by the coordinate bench of this Court on 8th March 2021 the public work has come to a standstill.

3 The learned Counsel for the Petitioner submits that the structure standing in the land of the Petitioner in Gut No.383 is demolished. The debris is still lying there. The said structure is not a part of the Award. The Competent Authority had directed the joint measurement to be conducted and a report be submitted. Same is not yet done. A letter was addressed by the Competent Authority to the Dy. Superintendent of Land Records on 8th June 2020.

4 The learned Counsel for the Petitioner submits that as per order of this Court dated 3rd March 2021, Respondent No.5 was sought to be served. However, Respondent No.5 did not accept the notice.

5 Considering the aforesaid dispute and the communication made by the Competent Authority to the Dy. Superintendent of Land Records, we pass the following order:

- a. The joint measurement shall be conducted in respect of Gut No.383 at village Vele, Tq. Wai, Dist. Satara.
- b. Upon Application being made by the Petitioner within one week from today, necessary measurement fees shall also be deposited within a week.

c. After the Application is made, the measurement shall be carried out within 15 days by the Office of the Dy. Superintendent of Land Records or any other Competent Authority.

d. If the Petitioner does not file an Application and /or deposit the measurement fees within one week from today, then the interim order passed by this Court shall automatically stand vacated.

e. If the Application is made and the fees is deposited for joint measurement by the Petitioner then the measurement shall be carried out within 15 days from the date of Application and deposit of measurement fees by the Petitioner.

f. After the joint measurement is carried out, immediately the debris from the writ site shall be removed either by the National Highways Authority or the Competent Authority.

g. With the aforesaid observations and the directions, the Writ Petition is disposed of. No costs.

(M. G. SEWLIKAR, J.) (S.V. GANGAPURWALA, J.)