

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6501 OF 2021

Maruti Baburao Manjare ... Petitioner
Versus
Chief Engineer,
Public Works Regional Division,
Pune-I & Ors. ... Respondents

WITH
WRIT PETITION NO. 6531 OF 2021

Dattatray Suryakant Walse ... Petitioner
Versus
Chief Engineer,
Public Works Regional Division,
Pune -I & Ors. ... Respondents

WITH
WRIT PETITION NO. 6532 OF 2021

Anantha Maruti Kadlak ... Petitioner
Versus
Chief Engineer,
Public Works Regional Division,
Pune-I & Ors. ... Respondents

WITH
WRIT PETITION NO. 6533 OF 2021

Hitesh Ramhari Takalkar ... Petitioner's
Versus
Chief Engineer,
Public Works Regional Division,
Pune -I & Ors. ... Respondents

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Smt.Sultana Sonawane with Mr. Sanjay Sonawane i/b. Mr.Vishnu Sonawane for the Petitioner in all petitions.

Ms. Kavita N. Solunke, AGP for the State.

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**CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.**

DATED : 19 SEPTEMBER 2022

P.C. :-

Heard the learned Counsel for the parties.

2. By these petitions, the Petitioners have made a grievance that their lands have been utilized for widening of the road by the Respondent No.4-authority without giving them any compensation. These petitions pertain to widening of the road at Village- Pondewadi, Taluka- Ambegaon, District- Pune.

3. The contention of the Petitioners is that their agricultural lands were adjacent to the road in question. The grievance of the Petitioners is that in January 2019, some road construction started on the existing road for widening and because of such road widening, the said lands of the Petitioners were divided in fragments and not suitable for any cultivation. According to the Petitioners, the details of which are given in each of the petitions, without giving them any compensation, particular parcel of land from their lands was used for the road. The learned Counsel states that

there was no interim order and the work has been undertaken, and the issue now only remains of compensation.

4. When the petitions came up on board on 14 January 2020, the following order came to be passed :

“1 The contention in the Petition that the road is being constructed on the land belonging to the Petitioners. According to the learned Government Counsel, however the road is being constructed on the land which belongs to the Government.

2 Having heard the Counsel and having examined the maps/plans on record, we are of the view that the subject lands Gut Nos.457, 369, 369 and 300 situated at village Pondewadi, Taluka Ambegaon, District Pune, are required to be measured and demarcated.

3 We direct the Deputy Superintendent of Land Records to make joint inspection and carry out measurements and demarcation of the subject lands and prepare a Report. The Report shall specifically indicate whether any portion of the road passes from the subject lands. Such Report be submitted before the next date.

4 Parties shall appear before the Deputy Superintendent of Land Records alongwith authenticated copy of this order as well as the maps/plans on 28 January 2020 at 11 a.m.

5 List the Petition on 5 February 2020”.

5. Pursuant to the order dated 14 January 2020, measurement was carried out and the maps were placed on record through affidavit of the Deputy Superintendent of Land Records. In the maps, the areas shown by the Petitioners and the representative of the Public Works Department are indicated and also the boundaries of the respective Gut numbers.

6. Any further adjudication would entail deciding of various disputed questions of fact, which is not possible in writ jurisdiction. Since the maps are prepared by the State authority; at the first instance, the State authority, that is, the District Collector, Pune will have to look into the maps prepared and ascertain whether as per the boundaries and the maps any land of the Petitioners has been utilized for road widening. If it is so found, will proceed to take steps for payment of compensation. If the examination of the maps and any other material shows that the lands of the Petitioners have not been utilized for road widening or there are some other grounds on which the Petitioners are not entitled to any compensation, then the District Collector, Pune will pass an order giving reasons.

7. Accordingly, we dispose of the petitions directing the District Collector, Pune to consider the petitions of the Petitioners as representation along with affidavit filed by the Deputy Superintendent of Land Records and the maps and take a decision as per what is stated above. The District Collector, Pune will make an endeavor to take a decision within a period of

12 weeks from the date order is uploaded, subject to earlier time bound directions and other urgent public work.

8. Needless to state that if the District Collector, Pune finds that the Petitioners are entitled to compensation then steps be taken for early release of compensation in favour of the Petitioners.

9. The writ petitions are accordingly disposed of in above terms.

(SHARMILA U. DESHMUKH,J.)

(NITIN JAMDAR, J.)