

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

19 WRIT PETITION NO.3522 OF 2023

LATA VITHALRAO SHIRASKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH CHIEF
SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. S.A. Deshmukh
AGP for Respondents : Mr. S B Pulkundwar
Standing counsel for Respondents no.5 : Mr. B.M. Dhanure

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: April 03, 2023

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PER COURT :-

1. Heard.
2. It is the case of the petitioners that their lands are taken in possession by the respondents authority for proposed newly declared National High Way No.63 viz. Renapur to Nizamabad. Some of the portion/area of the aforesaid agricultural land of the petitioners bearing gat no.1082 of village Renapur alongwith other lands of farmers had been possessed by the Respondents authorities. As such, petitioners have made representations to the respondents authorities to start acquisition of land by following due process of law, which is not considered by the respondents-authorities.

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3. We have heard learned counsel appearing for respondent no.5 and also the learned AGP for the Respondents-State authorities.

4. When confronted, learned counsel for the petitioners is unable to demonstrate from the record as to the material to infer that their lands are affected by virtue of implementation of National High Way executed by the respondents authorities. However, learned counsel for the petitioners submit that the petitioners have already approached the respondents authorities, which is also not considered till this date.

5. In this background, learned counsel for petitioners in response to the Courts query, submits that all the petitioners shall be applying for joint measurement of their land to the office of the Deputy Superintendent of Land Records /competent authority, in any case by 30th April, 2023. In case, if such applications are moved before the Deputy Superintendent of Land Records/competent authority, we direct the respondents authorities to extend cooperation with regard to the request of the petitioners for joint measurement. Such prayer for joint measurement shall be processed at the

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costs of the petitioners. Petition accordingly disposed off. However, it is made clear that, in case in the process of joint measurement, if it is noticed that land of the petitioners is affected by virtue of implementation of project by the National High Way Authority, the National High Way Authority must take decision and communicate the same to the petitioners based on such joint measurement; provided they are in agreement with it about the steps taken by them about land acquisition. Such steps shall be communicated to the petitioners within a period of six weeks from the date of receipt of report of joint measurement.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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