

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

46 WRIT PETITION NO.2295 OF 2022

**NANASAHEB JAYWANTRAO WAKLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**AND
48 WRIT PETITION NO.2330 OF 2022**

**SANJAY KACHRU ADHANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioners : Shri R.R. Chandak i/by Shri
Kshirsagar Satish M.
AGPs for Respondents 1 to 3/State : Shri V.M. Kagne and Shri
S.W. Munde
Advocate for Respondents 4 and 5 : Shri S.S. Deve

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 13th June, 2023

Per Court :-

1. The learned Advocate representing Respondent Nos.4 and 5 tenders an affidavit in reply in each petition.
2. Heard the learned Advocates for the respective sides and perused the petition paper books along with affidavits in

reply.

3. There is no dispute that the present Petitioners are identically placed as like the Petitioner in Writ Petition No.1991/2020 (*Shivaji Balkrishna Wakle vs. The State of Maharashtra and others*), which was decided by the order dated 14.12.2021. It is also conceded that, for the reasons set out in the said order, these petitions can be disposed off.

4. It is contended that pursuant to the earlier orders of this Court, the measurement was carried out by the Deputy Superintendent of Land Records and the lands of these Petitioners, appear to have been utilised in the Khultabad-Phulambri National Highway Project, as per the measurement report.

5. The learned AGP representing Respondent Nos.1 to 3 and the learned Advocate representing Respondent Nos.4 and 5, submit that there is no difficulty in directing Respondent No.4 to decide this issue since the Petitioners' claims for compensation would rest on whether, their lands have been utilised in the said road and if that be so, it may amount to acquisition of land.

6. As such, **these Writ Petitions are disposed off** with the following directions:-

(a) All the Petitioners as well as Respondent No.5, shall appear before Respondent No.4 on 28.06.2023 at 12:00 noon at the address supplied by the learned Advocate Shri Deve, which is as under:-

“The Competent Authority/ The Special Land Acquisition Officer and Sub Divisional Officer, National Highway No.752/H, Kannad, Taluka : Kannad, District : Aurangabad.”

(b) Respondent No.4 would consider the measurement carried out by the Deputy Superintendent of Land Records and all such documents as may be placed before him by the litigating parties.

(c) Written notes of submissions are permitted and we also permit legal assistance to represent the case of the litigating parties before Respondent No.4.

(d) We expect Respondent No.4 to decide the said issue after granting reasonable opportunity of hearing to the parties, on or before 31.08.2023.