

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

939 WRIT PETITION NO.4888 OF 2023

SHRIKANT GANGADHAR DHALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Advocate for Petitioners : Mr.M K Jadhav h/f Mr. A S More
AGP for Respondents: Mr. S B Pulkundwar
Advocate for Respondent nos.5,6 : Mr. B. M. Dhanure
(standing counsel)

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: April 26, 2023

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PER COURT :-

1. Heard learned counsel for the petitioners.
2. It is the case of the petitioners that they are the owners and possessors of their respective properties situated adjacent to the newly notified National Highway No.548-D and they have developed their properties for commercial as well as residential purposes. The Notification has been issued for the purpose of up-gradation of State High way No.55 into National Highway 548D. Respondent No.7 Municipal Council issued notices to the petitioners directing them to remove encroachment within 15 meters from middle of the road.

The petitioners being aggrieved by the said fact
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approached this Court by filing present writ petition. According to the petitioners, the respondent authorities have not followed the due procedure of law to acquire properties of the petitioners. Instead of it, the respondents authorities are trying to dispossess the petitioners without following due process of law.

3. We have heard learned counsel appearing for respondent no.5 and 6 and also the learned AGP for the Respondents-State authorities.

4. In this background, learned counsel for petitioners 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 25th May, 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 costs of the petitioners. Petition accordingly disposed off. However, it is made clear that, in

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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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