

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

1018 WRIT PETITION NO.6657 OF 2019

ARVIND GANESHRAO KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. S.S. Shinde
AGP for Respondents: Mr. S B Yawalkar
Advocate for Respondents 9, 10 : Mr. S.B. Pulkundwar

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: April 06, 2023

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PER COURT :-

. On instructions, a prayer is made for withdrawal of the petition. Petition stands disposed off as withdrawn in view of the following order.

ORDER

- i. In case, if the petitioners takes out proceedings for measurement of the land so as to find out the encroachment, if any, made by the respondents without there being any acquisition proceeding, said prayer of the petitioners be decided in accordance with law. Needless to clarify that the measurement shall be made at the costs of the petitioners.

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- ii. If in the measurement, it is noticed that the respondents have encroached on the land of the petitioners and the respondents have not questioned the order of measurement, in such eventuality, it shall be open for the respondents to submit proposal for acquisition of the land of the petitioners, in accordance with law.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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