

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8578 OF 2023

Vilas Waman Khodpe and others

Petitioners

Versus

The State of Maharashtra
and others

Respondents

...

AND

WRIT PETITION NO.8588 OF 2023

Subhash Pandurang Khodpe
and others

Petitioners

Versus

The State of Maharashtra
and others

Respondents

...

AND

WRIT PETITION NO.8591 OF 2023

Yashwant Arjun Khodpe and
others

Petitioners

Versus

The State of Maharashtra
and others

Respondents

...

AND

WRIT PETITION NO.8598 OF 2023

Sanjay Pandit Patil (Chaudhari)

Petitioner

Versus

The State of Maharashtra
and others

Respondents

...

Shri V. Y. Patil, Advocate for the Petitioners.

Shri P. S. Patil / Shri S.S. Dande A.G.P. for the Respondent-State.
(in all petitions)

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**CORAM : NITIN JAMDAR, ACTING CJ &
S. G. CHAPALGAONKAR, J.**

DATE : 24 JULY 2023.

PER COURT:-

The grievance of these petitioners is common. They own and possess certain lands, and construction of a road is being carried out adjacent to their lands, and the petitioners allege encroachment upon their lands by the Respondents. Therefore, the Petitioners seek direction to measure the agricultural lands as per the revenue record and further directions to stay the road widening process.

2. Copy of the order passed in Writ Petition No.4565 of 2023 with other connected petitions dated 21 April 2023 is

placed on record. The Division Bench of this Court, while disposing of the petitions, did not grant interim order staying the project; however, it observed that if the petitioners approach respondent authorities with a prayer for joint measurement at their own cost, the same be carried out in accordance with law and, in case, if it is found that the road widening has taken place on the petitioners land, then the petitioners can approach the respondent authorities seeking compensation, and the prayer so made by the petitioners would be decided as per the law. The Petitioners also seek identical relief of measurement.

3. There is no reason why every land owner who has a similar grievance and who wants to ensure that measurement is carried out while the road widening process is undertaken is required to come to this Court. Such Petitions for a simple direction add to the already crowded docket of this Court. It also causes unnecessary hardship and litigation costs for the landowners. Carrying out a joint measurement regarding the road widening, if so requested, will benefit both, the land owner and the State, as there would be certainty in the matter.

4. Therefore, to avoid this needless recourse to litigation by the land owners in this Court, the Divisional Commissioner, Aurangabad and the Divisional Commissioner, Nasik, will consider issuing necessary instructions through the Collectors to all the surveying authorities that whenever a request for joint

measurement is received by the land owners with identical grievance as above, the joint measurement will be carried out as per the applicable charges, within a period of four to six weeks from the receipt of such application. If it cannot be done within four weeks, reasons for the extended period will to be noted in the file. The circular can also specify that if the concerned surveying authorities do not comply with the request for joint measurement, the petitioners/land owners-applicants would be entitled to make a grievance to the concerned Collector. Upon receipt of such a grievance, the Collector can call for an explanation from the concerned surveying authority regarding the delay and issue necessary directions. This will substantially reduce the needless litigation, which is also a burden on the public exchequer. Let both the Divisional Commissioners take necessary steps within four weeks from today.

5. The learned AGP states that a copy of the order will be sent to both the Divisional Commissioners.

6. As regards the petitioners are concerned, their applications for joint measurement be complied with by the concerned authorities within two weeks from the payment of necessary charges, failing which it will be open to the petitioners to bring the fact of the failure of the authorities to the notice of the concerned Collector.

7. Writ petitions are accordingly disposed of as above.

(S. G. CHAPALGAONKAR, J.) (ACTING CHIEF JUSTICE)

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aaa/-