

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

31 WRIT PETITION NO.6475 OF 2023

SAMBHAJI MADHAVRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.S.S.Thombre, Advocate for the Petitioner.
Mr.S.B.Yawalkar, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JUNE 19, 2023

PER COURT :

1. The Petitioner has put forth prayer clauses B, C, D and G as under :-

"B. By issuing a writ of mandamus, orders, directions or any other appropriate writ in the like nature, the Respondents/Authorities may kindly be restrained from evicting/dispossessing the petitioner from the land belonging to him, without following due process of law;

C. By issuing a writ of mandamus, orders, directions or any other appropriate writ in the like nature, the impugned notice dated 28th April, 2023 issued by Respondent No.6, may kindly be quashed and set aside.

D. By issuing a writ of mandamus, orders, directions or any other

appropriate writ in the like nature, the Respondents/Authorities may kindly be directed to initiate the acquisition proceedings in order to construct or expand the road, in question, i.e. State Highway No.145, which passes through the land belonging to the petitioner from Survey Nos.256/357, situated at Shirur Anantpal;

G. Pending hearing and final disposal of this writ petition, the Respondents/authorities may kindly be directed to initiate the acquisition proceedings in order to construct or expand the road, in question, i.e. State Highway No.145, which passes through the land belonging to the petitioner from Survey Nos. 256/357, situated at Shirur Anantpal; and for that purpose, issue necessary orders;"

2. Issue notice to the Respondents. The learned AGP waives service of notice on behalf of the Respondents.

3. Heard the learned Advocates for the respective sides.

4. In similar circumstances, this Court has passed an order on 16.09.2021 in WP No.12879/2016 and 12890/2016 at Aurangabad. The Petitioner has clearly stated that if the Authorities require any portion of his land for widening of State Highway No.145, which passes through the land in Survey Nos.256 and 357 situated at Shirur Anantpal, they may acquire the land.

5. In view of the above, **this writ petition is disposed off** with the following directions :-

[a] The public project pertaining to State Highway No.145, may be proceeded with.

[b] In the event, the lands owned by the Petitioner in which he has a right, title and interest, are utilized for the widening of the road, the Petitioner shall not be dis-posessed without following the due process of Law.

[c] The Respondents/Authorities are at liberty to measure the lands with prior notice to the Petitioner and if it is found that any portion of the land which legally belongs to him, is been utilized for widening of State Highway No.145, the portion of the land utilized shall be treated as being acquired and appropriate proceedings shall be initiated by the Respondents/Authorities, without causing any delay.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)