

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.12368 OF 2021**

**BHAUSINGH TULSIRAM SURE
VERSUS
THE SMART CITY DEVELOPMENT CORPORATION PVT
LTD., AND OTHERS**

...

Mr. R. K. Ashtekar, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

Mr. M. D. Bharad h/f Mr. P. D. Jarare, Advocate for Respondent No.4.

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**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 10th APRIL, 2023.**

P.C:-

1. Heard.

2. The petitioner claims to be the owner of the land bearing Gut No.176/1/1 situated at Taluka and District Aurangabad. According to the petitioner his land is situated at Harsul and the respondents-Planning Authorities have started execution of the work of development of the road which passes through the land of the petitioner without there being any acquisition proceedings. As such, he has sought an order restraining the respondents from carrying out any development activities from the aforesaid land unless he is adequately compensated.

3. Learned counsel for the petitioner would urge that the contentions are disputed, as there is no material to infer that the development activity is from the land of the petitioner.

4. We have appreciated the said submissions.

5. But for the statement of the petitioner there is no iota of evidence on record to infer that the respondents are executing development project on the land of the petitioner.

6. In this background, Mr. Ashtekar, learned counsel appearing for the petitioner submits that the petitioner at his own cost shall be applying for the joint measurement provided the respondents-authorities extend all cooperation and he be granted liberty to move afresh in case if it is noticed from the joint measurement that the land of the petitioner is affected because of the implementation of the development project.

7. In this background, we **dispose of** the writ petition. We direct the respondents-authorities to extend all cooperation in case if the petitioner moves for joint measurement of his property.

8. In case, in the joint measurement it is noticed that the land of the petitioner is affected by executing the development project and the respondents are in agreement with such joint measurement, they must communicate to the petitioner within a period of twelve weeks from the date of such joint measurement as to the steps they intend to take in accordance with law qua the acquisition proceedings.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE