

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

83 WRIT PETITION NO.9794 OF 2022

VISHAL VASANTRAO UDHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Kedar Balbhim R.
AGP for Respondents/State : Mr. S.B. Yawalkar
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.**
DATE : 22nd June, 2023

PC. :-

1. We have considered the submissions of the learned advocates for the respective sides and have gone through the petition paper book with their assistance. A limited grievance of the Petitioners is that the road which is being laid on the Murma to Pimperkheda to Pandhare Vasti, has utilised the adjacent lands of these Petitioners without acquisition. A cart way has been converted into a wide road with the width of around 12 to 15 meters. Standing crops and trees are likely to be destroyed for the road being laid under the Pradhan Mantri Gram Sadak Yojana.

2. In several matters this Court has consistently passed orders directing the parties to refer to the revenue records and carry out a joint

measurement, if not already carried out and after perusing the records, if any portion of the land of the claimants, having right, title and interest, is utilised for such project, they would be entitled for compensation.

3. In view of the above, **this petition is disposed off** with the directions that if the project set out in the Writ Petition, eventually causes loss of land or property of the Petitioners in the light of the revenue records and the measurements, these petitioners would be entitled for compensation and the Competent Authority would be liable to initiate the process for acquisition and grant of compensation in accordance with law. Needless to state, if there is no measurement carried out, a joint measurement of the property of the Petitioners shall be carried out in their presence with an advance notice and Respondent Nos.3 and 4 shall bear the cost of such measurement.

4. All contentions of the parties are kept open including the contention of the Petitioners that it was a mere cart way and there was no village road existing before this project was initiated.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]