

(1)

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

30 WRIT PETITION NO.12173 OF 2023

**ISHWAR BHAGWAT CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

AND

31 WRIT PETITION NO.12174 OF 2023

**YOGESH AMRUT NIKAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

AND

32 WRIT PETITION NO.12193 OF 2023

**ARUN BHAGWAT CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

**Mr Vijay Y. Patil, Advocate for Petitioners in all the Petitions;
Mr P. S. Patil, A.G.P. for Respondents/State in all the Petitions**

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

DATE : 23rd October, 2023

PER COURT:

1. Heard the learned Advocate for the Petitioners and the learned A.G.P. for the Respondents.

(2)

2. An assertion is made in these Petitions that the work relating to road widening of Neri-Jamner, Road No.41 is taking place and certain lands belonging to these Petitioners are coming within the alignment of the said road widening. However, the work is being undertaken without acquiring the land of these Petitioners or without paying any compensation.

3. It has been stated by the learned Counsel for the Petitioners that the Petitioners are not opposing the widening of the road and they are even ready to give their lands for the said purpose. However, without acquiring the land and without paying the compensation, but utilization the lands, amounts to violation of their rights under Article 300A of the Constitution of India.

4. Having regard to the aforementioned facts, we direct that the measurement of the lands belonging to the Petitioners, as per the 7/12 extract, shall be undertaken by the Respondents/Authorities and in case in the said measurement, any land owned by the Petitioners is found to be situated within the alignment of the widening of the road, they shall be adequately compensated either on the basis of private negotiations or by acquiring the lands under the appropriate legislation. In the event,

(3)

the lands of the Petitioners are not found within the alignment of the road widening, the expenses of the measurement shall be borne by the Petitioners.

5. With the aforesaid directions, **all these Writ Petitions stand disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk