

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

WRIT PETITION NO.7423 OF 2023

**PIRAJI SAVALU THELARI (MARNAR) AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Ms. Rashmi Bhende h/f Mr. Ganesh A. Gadhe, Advocate for the
Petitioners.

Mr. V. M. Kagne, AGP for Respondents-State.

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

DATE : 10th JULY, 2023.

PER COURT:-

1. The petitioners have put forth prayer Clause 'A' as
under:-

“A. By issuing Writ of Mandamus or any appropriate writ, order or direction, under Article 226 of the Constitution of India this Hon’ble Court may kindly direct the Respondents to follow the land acquisition proceedings under the provisions of Section 15 to 18 of the Maharashtra State Highways Act, 1955 and further may kindly direct the respondents to pass the award of compensation in favour of the petitioners under the provisions of Section 19B of the Maharashtra State Highways Act.”

2. The grievance of the petitioners is that though the Deputy Collector, Land Acquisition, Dhule has addressed the Executive Engineer, Public Works Department, Dhule vide communication dated 26.12.2022, further steps are not being taken.

3. The learned AGP submits that the petitioners have refused private negotiation and therefore, now the authorities will have to resort to compulsory acquisition.

4. In view of the above, **this petition is disposed off** with a direction to respondent no.5 to submit the proposal within 45 days, as 7 months have already lapsed pursuant to the communication dated 26.12.2022. After such proposal is tendered, the concerned authorities would follow the timeline and the procedure laid down in the Maharashtra Highways Act, 1955 and conclude the acquisition proceedings.

(Y. G. KHOBRADE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE