

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

58 WRIT PETITION NO.8371 OF 2023

**RAJESH SHESHRAO NAIK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

...

Mr. Swapnil Joshi and Mr. C. B. Chaudhari i/by J.P Llegal Associates
Mr. S. W. Munde, AGP for Respondents State
Mr. S. B.Pulkundwar, Advocate for Respondent No.4

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 18th July, 2023

ORDER:

1. We have considered the submissions of the learned Advocate for the petitioners and the learned Advocate representing Respondent No.4. Respondent No.5 is a non contesting respondent, which is construction company.

2. Having noticed the grievance of the petitioners and the order that we intend to pass by consent of the parties, we are not advertent to the minute details of the issue raised before us. Suffice it to say that one petitioner, namely Rajesh Sheshrao Naik, who is a practicing advocate, was not present when the panchanama was carried out on 09.06.2023 and he was merely given telephonic intimation. So also, we

are of the view that as the parties are agreeable for a fresh panchanama, we need not deal with the rival contentions.

3. This **petition is, therefore, disposed off** with the following directions:

- (A) The petitioners shall keep themselves present on 28th July, 2023 at 11.30 a.m. at the site where the writ land is situated.
- (B) Respondent No.4- CEO, ZP, Hingoli shall ensure through the Executive Engineer (Works), that all other stakeholders concerned with the road that is being laid/strengthened, remain present on 28.07.2023 at 11.30 a.m. for the Panchanama. The notices shall be served upon them within 72 hours. Nevertheless, this would not be a ground for postponing the panchanama.
- (C) All the parties are at liberty to bring their relevant land records to be perused at the time of the panchanama, if required.
- (D) Let the TILR remain present on the date of the panchanama alongwith records, just for rendering assistance.
- (E) After the panchanama, if any of the petitioners or the land owners are aggrieved, they would be at liberty to avail of a statutory remedy as may be permissible for the redressal of their grievances.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)