

(1)

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

47 WRIT PETITION NO.9217 OF 2023

**DNYANESHWAR PANDURANG DARADE  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH MINISTRY OF  
ROAD DEVELOPMENT DEPARTMENT AND OTHERS**

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Mr Ashraf Patel, Advocate h/f Mr A. P. Avhad, Advocate for  
Petitioner;

Mr S. G. Karlekar, A.G.P. for Respondents/State

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

**DATE : 31st July, 2023**

**PER COURT:**

1. The Petitioner has put forth prayer clauses (B), (C)  
and (D), as under :-

*“B. Quash and set-aside the letter dated 27/4/2023 issued  
by Dy. Collector land acquisition Ahmednagar.*

*C. By appropriate writ, order or directions in the nature  
of Writ of Mandamus thereby directing the Respondent  
Authorities and more specifically Respondent No. 5 to take  
decision as per representations dated 15/5/2023 given by  
the Petitioner and more specifically within 3 months.*

*D. It may kindly be Respondent no. 5, not to drop the  
petrol pump from acquisition.”*

(2)

2. After considering the submissions of the learned Advocate for the Petitioner for quite some time, we have perused the map that he has tendered to us, which is marked as 'X-1' for identification. The issue is as regards the CNG Pump, which is clearly identified in the map with the Petrol pump symbol, which is visible. It is in the middle of the interchange curve road.

3. In this backdrop, we have perused the order dated 27/04/2023, passed by the Deputy Collector, Land Acquisition-1, Ahmednagar, assigning reasons, as to why the Petitioner's request cannot be entertained. The photostat copy of the map is not clear and, hence, we have referred to the map 'X-1'. The Petitioner has pointed out his existing CNG Pump from the said map. The spot, where the Google Earth snap is taken, the letters 'CNG Pump' are seen.

4. We find from the impugned communication dated 27/04/2023 that, the concerned authorities are of the view that the existing petrol pump of the Petitioner is on the interchange curve and as the project is underway, changes cannot be made only for the convenience of the Petitioner, since he desires the petrol pump to be excluded from acquisition.

(3)

5. We do not deem it appropriate to consider the request of the Petitioner, if the same is likely to cause an impediment to the project. We do not have the expertise to conclude that, either the road can be slightly shifted or that the CNG pump is not a hurdle to the curve on the interchange. These issues are best left to the experts in the field and we do not deem it appropriate to apply our mind, when the experts have already opined that the CNG Pump is in the middle of the interchange entry ramp.

6. Considering the above, **this petition is disposed off.**

**(Y. G. KHOBRADE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk