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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13333 OF 2023

Devidas Krishna Choudhari @ Nerkar & Others PETITIONERS

VERSUS

The State of Maharashtra and Others RESPONDENTS

Mr. N. N. Desale, Advocate for the Petitioners
Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 to 6 - State
Miss. Nikita Gore, Advocate for Respondent No.8

WITH

WRIT PETITION NO.13386 OF 2023

Gunwant Shivaji Kotkar & Others PETITIONERS

VERSUS

The State of Maharashtra and Others RESPONDENTS

Mr. D. S. Bagul, Advocate for the Petitioners
Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 to 6 - State
Miss. Nikita Gore, Advocate for Respondent No.7

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

DATE : OCTOBER 26, 2023

ORDER :

1. Leave to add Competent Authority as Respondent in Writ Petition No.13333 of 2023. Addition to be carried out forthwith.
2. All these petitioners, who are identically placed, have

received notices from concerned Gram Panchayat on the instructions of the concerned Tahsildar, to tender their title documents. They have apprehension that their properties are likely to be utilized for the Public Project for the State Highway No. 752/G, popularly known as Prakasha-Satana State Highway. Reliance is placed on "*Vidya Devi V/s State of Himachal Pradesh*" (2020) 2 SCC 569.

3. Learned AGP submits that no authority can deprive in law the owner of his immovable property for a public project, without following due procedure laid down in the law. If the structures of these petitioners are beyond the ambit of the project or if the portions of their lands / structures would be required to be acquired, the procedure laid down in law would be followed.

4. In view of the above, without causing any interference in the impugned notices, which are merely in the form of an appeal to the petitioners to come forward and tender their title documents, which they are obliged, we direct that the authorities concerned shall follow the due procedure laid down in law, while executing the Public Project. The Petitioners would be at liberty to indicate their right, title or interest in the properties, with the aid and assistance of statutory revenue documents.

5. With the above observations, these Petitions are disposed off.

[Y. G. KHOBRADE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE

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