

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

**910 WRIT PETITION NO. 3272 OF 2021
with Civil Application No.497 OF 2022**

**SITARAM BUDHAJIRAO SHINDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicants : Mr. Bide Dnyaneshwar A.
AGP for Respondents/State : Mr. S.B. Yawalkar
Advocate for R/2 & 4 : Mr. D.S. Manorkar
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 12th July, 2023**

PC. :-

1. Having considered the submissions of the learned advocates for the respective sides and having perused the colored photographs at page nos.27 and 28 and the colored copy of the DP plan tendered by the learned advocate representing N.H.A.I., which is marked as 'X-1' for identification, the Petitioners agrees to have the land at dispute in photograph nos.27 and 28 to be measured in the light of 'X-1'. They are willing to pay the charges for such measurement. By relying on 'X-1', if the land is measured, he can identify the portion which is acquired for preparing the U-turn on the service road which, according to him, has consumed a small portion of his land.

2. In so far as the land which is noticed in the photograph at page no.28 of the additional affidavit dated 05.01.2022 of the Petitioners, the learned advocate representing N.H.A.I. submits that the authorities do not require that portion of land and they do not intend to acquire it. With this statement, the Petitioner may utilise the said land for such purpose depending upon the permission as may be accorded, whether an agricultural activity or any activity.

3. In view of the above, **this petition is disposed off** with the following directions:-

a) The Petitioners shall deposit the measurement charges with the Deputy Superintendent Land Records, Aurangabad along with an application, within two weeks.

b) After the amount is deposited, the said authority would issue notices to the Petitioners as well as the N.H.A.I. and carry out the measurement of the writ land in terms of the DP plan 'X-1'.

c) If any portion of the land belonging to the Petitioners is utilised for the service road or the U-turn road, we leave the Petitioners at liberty to avail of the remedy as may be permissible in law for seeking compensation to that extent. Obviously, this would mean that portion of the land which, though acquired, was not granted compensation.

d) Pending **Civil Application** does not survive and **stands disposed off**.

[Y.G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]