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

907 WRIT PETITION NO.10354 OF 2023

MADHURI ANIL PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

....

Mr S. R. Dheple, Advocate for Petitioner;
Mr A. V. Deshmukh, A.G.P. for Respondent Nos.1 to 5
Mr A. V. Indrale Patil, Advocate for Respondent Nos.6 & 7

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

DATE : 30th August, 2023

PER COURT:

1. On 22/08/2023, we had passed the following order :-

“1. Since a short issue is involved in this petition, we requested the learned Advocate Shri. Indrale Patil representing Respondent Nos.6 and 7, to take instructions and address the Court on 30/08/2023.

2. List this petition in the ‘passing orders’ category on 30/08/2023.”

2. We appreciate that the learned Advocate Shri. Indrale Patil, representing Respondent Nos.6 and 7, has not only collected

(2)

instructions with promptitude, but has also tendered a short affidavit, dated 30/08/2023, which would assist the Court.

3. Considering the rival contentions, it is obvious that the Petitioner contends that, his land admeasuring 7 Are is affected by the public project on account of the upgradation of the Jamner-Bodhwad-Barhanpur (N.H. 753 L) road. Per contra, the Respondents contend that the land is not affected. The Petitioner had carried out a measurement at his own expenses, earlier.

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

(a) Respondent No.7 shall pay the fees for carrying out joint measurement of Survey No.860 in Taluka Jamner, District Jalgaon. The charges for joint measurement shall be deposited on or before 15/09/2023.

(b) A joint measurement would be carried out by issuing notices to all the stakeholders with at least 7 days notice period. This exercise would be completed within 45 days after 15/09/2023.

(3)

(c) If it is revealed that the Petitioner's land is utilized for the said road, the concerned authorities would commence the procedure as prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and ensure that the same is completed within the timeline, as is prescribed thereunder.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk