

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

902 WRIT PETITION NO.14533 OF 2021

ANANT ABASAHEB SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

903 WRIT PETITION NO.14537 OF 2021

SAVITA BHIMRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

904 WRIT PETITION NO.14538 OF 2021

SANDIPAN KARBHARI SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

905 WRIT PETITION NO.14539 OF 2021

LAXMAN PANDURANG GAVHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

906 WRIT PETITION NO.14550 OF 2021

RAMKISAN BABURAO GAVHANE
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

907 WRIT PETITION NO.14551 OF 2021

SHRIRAM PANDURANG GAVHANE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

908 WRIT PETITION NO.14553 OF 2021

MADAN MARUTI SOLANKE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

909 WRIT PETITION NO.14561 OF 2021

ARVIND SAKHARAM SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

910 WRIT PETITION NO.14573 OF 2021

VILAS BABURAO SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

911 WRIT PETITION NO.14589 OF 2021

SHRIRAM BABASAHEB SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

912 WRIT PETITION NO.14592 OF 2021

SANGITA SHRIRAM SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

913 WRIT PETITION NO.14608 OF 2021

SHYAM BHIMRAO SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

914 WRIT PETITION NO.14620 OF 2021

GOVIND PRABHU SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

915 WRIT PETITION NO.14621 OF 2021

BHIMRAO BABASAHEB SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

916 WRIT PETITION NO.14631 OF 2021

PRABHU KARBHARI SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

917 WRIT PETITION NO.14634 OF 2021

GAMPU BABURAO GAVHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

918 WRIT PETITION NO.14635 OF 2021

SANJAY PRABHU SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

919 WRIT PETITION NO.14654 OF 2021

ANGAD DNYANOBA GAVHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

920 WRIT PETITION NO.14672 OF 2021

AMOL ARJUN SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

921 WRIT PETITION NO.14695 OF 2021

ARJUN BABURAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
922 WRIT PETITION NO.14696 OF 2021

KAVERIBAI SANDIPAN SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
923 WRIT PETITION NO.14697 OF 2021

VIJAY SANTOSH GAVHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
924 WRIT PETITION NO.14700 OF 2021

SARJERAO MARUTI SOLANKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
925 WRIT PETITION NO.14728 OF 2021

SACHIN SAKHARAM SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Dhaware Rajkumar B.
AGPs for Respondents/State : S/Shri P.S. Patil, S.K. Tambe, S.G. Karlekar,
V.M. Kagne, P.K. Lakhotiya & A.V. Deshmukh
Advocate for Resp./3 & 4 : Mr. P.D. Suryawanshi

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**
DATE : 31st August, 2023

PC. :-

1. In all these matters, the Petitioners claim to be identically placed. All of them claim to be the owners and possessors of agricultural lands alongwith fruit bearing trees, wells, residential houses, borewells etc. adjacent to the State Highway No.232. Their grievance is that earlier the width of the road was only 8 to 10 meters in 1971-1972. Now the road has become a State Highway and the width is around 30 meters.

2. By now, it is well settled that a public project should not be stalled. If the Petitioners are encroachers, the encroachments have to be removed. However, if they have a right and title, evidence through documents pertaining to such lands which are being utilized for the State Highway, will have to be produced and if the record reveals that their lands are being acquired for the State Highway, they would be entitled for compensation under the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. In view of the above, **these petitions are disposed off** with the following directions :-

[a] Let the Executive Engineer, PWD of all the respective Divisions complete the exercise of issuing notices to all these Petitioners (some of them have already been issued with such notices), for removal of encroachments.

[b] All those who have received the notices and those who would receive such notices, shall tender their written replies alongwith authenticated documents showing their title and ownership over the property, within 15 days from today or within 15 days from the receipt of the notices which would now be issued.

[c] The Respondents would be at liberty to carry out a joint measurement of the lands in order to assess the size of the lands, which are being utilized for the public project.

[d] If the record reveals and the Petitioners are unable to establish their ownership over the said lands, portions of which would be utilized for the widening of the road, they would be informed to remove the encroachments voluntarily within a particular time, failing which, the Respondents can initiate steps for removal of such encroachments and charge them for such exercise.

[e] Needless to state, if the Petitioners' claims are sustained in Law and it is proved that their lands have been acquired, a appropriate proposal shall be forwarded by the Acquiring Authority to the competent authority and the proceedings under the 2013 Act would be completed within the timeline as is prescribed. In such a situation, the Petitioners will have to relocate themselves so as to make way for the said project.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]