

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

931 WRIT PETITION NO.13354 OF 2023

DIGAMBAR NAGOJI PUYAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioners : Dambe Santosh S.
AGP for Respondents/State : Mr. P.S. Patil
Advocate for R/6 : Mr. S.P. Urgunde
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**
DATE : 4th November, 2023

PC. :-

1. The Petitioners have put-forth prayer clause-B and C as under:

“B. By issuing a writ of mandamus or any appropriate writ or order direct to pay the compensation for acquisition of Agricultural land of the petitioners for winding and expansion of NH161A Nanded to Mudkhed as per Right to Fair Compensation and Transparency in the land acquisition rehabilitation and settlement Act -2013 within a stipulated time period.

C. Pending hearing and final disposal of the present writ petition, the respondents, their agents, servants or anybody claiming through them may kindly be restrained from constructing the National Highway No. 161A, from Nanded to Mudkhed, which passes from the agricultural field of the petitioner;”

2. In similar matters, wherein there was a dispute as regards the measurements, this Court has directed that the lands should be measured.

Considering the rival contentions, it is obvious that there is a dispute with regard to the measurements of the land. Earlier, the measurement was not carried out.

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

(a) Respondent No.3 shall pay the fees for carrying out measurement. The charges for joint measurement shall be deposited within 30 days.

(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 the amount is deposited.

(c) If it is revealed that the Petitioners' 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.]