

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

WRIT PETITION NO.13608 OF 2023

KUSUM SHRIRAM BIYANI

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

....

Mr. Bhushan Mahajan, Advocate for Petitioner
Mr. A. V. Deshmukh, AGP for Respondent – State

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

DATE : 31.10.2023.

PER COURT :-

1. The Petitioner has put forth prayer clauses (B), (C) and (D) as under:-

“(B) To direct the respondents to carry out joint measurement at Gut No.499/A/1/A, Kasoda, Tq. Erandol, Dist. Jalgaon.

(C) To direct the respondents to initiate land acquisition process under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the land of Gut No.499/A/1/A, Kasoda utilized in construction of the Bahadurpura-Parola-Kasoda Major District Road.

(D) To direct the respondent No.3-Executive Engineer, PWD, Amalner to decide the representation dated 26.07.2023 (EXHIBIT-“G”) preferred by the petitioner preferably within four weeks.”

2. The learned Advocate for the Petitioner submits that his representation dated 26.07.2023 is pending with the Competent Officer (Land Acquisition), Deputy Collector, Jalgaon and the Executive Engineer, PWD, Amalner. The learned Advocate, therefore, submits that his representation be taken to a logical end and if there has been no measurement of the land of the Petitioner, which is said to have been utilized in the Bahadurpur-Parola-Kasoda Major District Road, there should be a joint measurement and if it reveals that the Petitioner's land has been utilized, the Competent Authority be directed to acquire the land by following the procedure laid down under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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

- (A) If a measurement of the Petitioner's land in relation to Bahadurpur-Parola-Kasoda Major District Road has not been carried out, appropriate directions shall be issued for carrying out the said measurement. The Petitioner and the Public Works Department, would pay equal shares of the fees for measurement.

- (B) The above exercise of depositing the fees, if any, shall be completed within 45 days from today. Thereafter, measurement shall be carried out within 30 days with due notice to the parties concerned.
- (C) If it is revealed that the Petitioner's land has been utilized for the said road, to be specified, Gut No.499/A/1/A, Kasoda, Tq. Erandol, the concerned authorities shall resort to acquisition of the said portion of the land in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and shall ensure that the process of acquisition is completed within the prescribed period of 12 months.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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