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

18 WRIT PETITION NO. 1447 OF 2024

SHRI. VIJAY BHIKA MUJGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

AND
19 WRIT PETITION NO. 1496 OF 2024

MUSTAQUE ANMAD MOTI KHATIK, THROUGH POA
YAHYA SAYYAD RIYAZUDDIN JILANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

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Mr D. S. Bagul, Advocate for Petitioners;
Mr R. S. Wani and Mr S. B. Narwade, A.G.Ps. for Respondent
Nos.1 to 3
Mr A. G. Talhar, DSGI a/w Mr S. W. Munde, Standing Counsel
for Respondent Nos.4 and 5

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 20th February, 2024

PER COURT:

1. The learned A.G.P. places before us a copy of the communication dated 20/02/2024, received by him from the Sub Divisional Officer, Dhule, addressed to the learned Government Pleader. The same is taken on record and marked as 'X-1' for identification.

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2. The last two paragraphs of the said communication read as under :-

“याबाब त सदर गट नंबर रेल्वे प्रशासनाकडून प्राप्त भूसंपादन प्रस्तावात नमूद असून उपअधिक्षक, भूमि अभिलेख, धुळे यांचेकडील संयुक्त मोजणी अहवालात मोजणी झाल्याने दिसून येत आहे. त्यानुसार संयुक्त मोजणी नकाशात काही भाग संपादनात येत असल्याचे दिसून येत आहे. तथापि उपअधिक्षक, भूमि अभिलेख, धुळे यांचेकडील संयुक्त मोजणी पत्रकात सदर गट नंबर 101 चा समावेश नाही. म्हणून त्याचा अंतिम निवाड्यात (Final Award) समावेश करण्यात आलेला नाही.

वरील गट नंबर 101 पैकी काही क्षेत्र भूसंपादनात येत असतांना संयुक्त मोजणीत समावेश नसल्याने, तथापि सदर जमीनीतील काही क्षेत्र रेल्वे प्रशासनास लागणार असल्याने सद्यास्थितीत कोणत्या पोटहिस्स्यातून किती क्षेत्र संपादीत होणार आहे, याची संयुक्त मोजणी झालेशिवाय निश्चिती, करता येत नाही. म्हणून गट नंबर 101 च्या संपूर्ण क्षेत्रावर "हस्तांतरण प्रतिबंध" अशी नोंद घेण्यात आली आहे. त्यामुळे सद्यास्थितीत सदर प्रतिबंधाची नोंद कमी करणे संयुक्तीक होणार नाही.”

3. In view of the above, let the joint measurement be carried out within a period of 60 days from today, by issuing appropriate notices to the title holders, keeping in view that the Sub Divisional Officer, Dhule indicates that the entire region is presently under a prohibition of transfer of the rights (हस्तांतरण

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प्रतिबंध). Once the joint measurement indicates a portion of the land, that is required for the public project, the remainder portion of the land, which would be a free land, can then be sold by the present Petitioners, keeping in view the conditions imposed under paragraph Nos.4, 5 and 7 of our order dated 08/10/2023, delivered in Writ Petition No.572/2020 (Anjanabai Ambadas Chaudhari Patil and others Vs. State of Maharashtra and others) alongwith connected Writ Petition Nos. 610/2020 and 609/2020.

4. In the event, the Petitioners find that their grievance is not redressed despite this order, they would be at liberty to approach this Court for permission, keeping in view the order dated 08/10/2023 (supra).

5. With the above observations, **these two Writ Petitions are disposed off.**

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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