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

15 WRIT PETITION NO. 2404 OF 2024

**RAMESH BABURAO THALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

....

Mr R. R. Chandak, Advocate h/f Mr S. M. Kshirsagar, Advocate
for Petitioners;

Mr A. B. Girase, G.P. for Respondent Nos.1 & 2

Mr S. S. Deve, Standing Counsel for Respondent Nos.3 and 4

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

DATE : 26th March, 2024

PER COURT:

1. The Petitioners were before this Court earlier in Writ
Petition No.8366/2023. By an order dated 17/07/2023, we
permitted the Petitioners to tender their representations.
According to the Petitioners, the representations are still pending.

2. The learned Standing Counsel representing the Union
of India, relies on the affidavit-in-reply filed through Chamle
Vidya Nivrutti, Sub-Divisional Engineer, National Highway,
Chhatrapati Sambhajnagar and contends that these Petitioners are
encroachers. The learned Advocate for the Petitioners submits

(2)

that these are the Petitioners' ancestral agricultural lands. The Petitioners are willing to get the land measured through the Revenue Authorities. They are willing to deposit the measurement charges. The measurement may be carried out in the presence of the parties by giving adequate notices.

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

(a) After identifying these properties, the Petitioners would deposit the requisite measurement charges with reference to gut Nos.1, 2, 4, 9, 19, 59, 64, 693 and 695 situated at Village Talegaon, Taluka Phulambri, Dist. Chhatrapati Sambhajinagar with the Deputy Superintendent, Land Records, Taluka Phulambri, on or before 15/04/2024.

(b) Notices need not be issued by the Deputy Superintendent of Land Records since the Petitioners and the Respondents are willing to remain present at the site of these Gut Numbers on 22/04/2024 at 10:00 a.m. If any of the Petitioners/parties remain absent, this would not be an excuse for postponing the measurement.

(3)

(c) If there are any co-owners in the said Gut numbers, other than the parties before us in this Petition, their consent for measurement may be taken, and if required, notices may be issued by the Deputy Superintendent of Land Records to such co-owners. Within 15 days from 22/04/2024, the measurement would be carried out.

(d) Based on the measurement report and the sketch map, the National Highway Division, P.W.D. Premises, Chhatrapati Sambhajinagar would proceed to initiate appropriate steps by following the due procedure laid down in law.

(e) If the measurement report and the map indicate that the Petitioners are encroachers, the Petitioners undertake by making a statement before us, to remove the encroachment voluntarily.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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