



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3599 OF 2024

BHIMRAJ DAMU KASARE
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

Mr. T. Y. Sayyed, Advocate h/f Mr. Mohd. Aseem Mohd. Abdul Kaleem,
Advocate for the Petitioner
Mr. R. R. Bangar, Advocate for Respondent Nos.1 and 2
Mr. V. M. Kagne, AGP for the Respondent/State

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

DATE : 10th April, 2024

PER COURT :-

1. The learned Standing Counsel for the Union of India has appeared on behalf of Respondent Nos.1 and 2. The learned AGP appears on behalf of Respondent Nos. 3 to 6.
2. In similar circumstances, this Court has passed the order dated 24th August, 2023 in Writ Petition No. 10530/2023 (*Kuldip Singh Jail Singh Dhody and others Vs. The Union of India and others*).
3. The Application for joint measurement has already been filed by the Petitioner on 27th February, 2024.
4. In view of the above, **this Writ Petition is disposed off** with the following directions:-

(a) The request of the Petitioner for a joint measurement as per the application dated 27th February, 2024, shall be expedited and the joint measurement shall be conducted.

(b) The process of joint measurement shall be conducted under this order by the Competent Authority and if it is found, on the basis of such joint measurement, that the land of the Petitioner is affected on account of the implementation of the public project by Respondent No.3, the Competent Authority shall take a decision and communicate it to the Petitioner, expeditiously.

(c) Expenses of the joint measurement shall be borne by Respondent No.3.

(d) In case it is revealed after the joint measurement that the land of the Petitioner is not affected by the public project, the charges of the joint measurement shall be paid by the Petitioner to Respondent No.3 within 30 days from the date of measurement.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp