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

WRIT PETITION NO. 4454 OF 2024

NIRANJAN PRAKASH PATIL

VERSUS

THE UNION OF INDIA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 4460 OF 2024

MANASI NIRANJAN PATIL

VERSUS

THE UNION OF INDIA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 4473 OF 2024

MILIND PUNDALIK KADAM

VERSUS

THE UNION OF INDIA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Mr Bhushan Mahajan, Advocate for Petitioners in all Petitions
Mr R. B. Bhosale, Standing Counsel for Respondent Nos.1, 3 & 5
in WP Nos.4454/2024 & 4473/2024

Mr A. G. Talhar, DSGI for Respondent Nos.1, 3 & 5 in
WP/4460/2024

Mr N. S. Tekale, A.G.P. for Respondent Nos.2, 4 & 6 in all
Petitions

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 5th September, 2024

PER COURT:

1. It is the claim of the Petitioners that, their lands in the Gut Numbers mentioned in prayer clause (B) of the Petitions, have been acquired and utilized in the construction of the Manmad-Jalgaon third Railway line. It is specifically prayed that the representations dated 19/03/2024, mentioned in prayer clause (D) of the Petitions, be decided by the Deputy Chief Engineer (Construction), Central Railway, Bhusawal, Respondent No.3 herein.

2. The learned Standing Counsel for Respondent No.3/ representing the Competent Authority, submits that, Respondent No.3/ Deputy Chief Engineer (Construction), Central Railway, Bhusawal, has no jurisdiction to deal with the representations of the Petitioners, inasmuch as, there is no provision in law for filing such representations. He further submits, on the basis of the para-wise instructions received by him from the Divisional Office, Engineering Branch, Bhusawal, that, as per the joint inspection dated 01/07/2024, carried out by SSE (Wks) CSN and concerned S & T staff, no cables are passing outside the existing Railway

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boundary at the said location. The said Railway boundary stones do not exist at the location mentioned in the Writ Petitions and boundaries stones are not erected outside the existing Railway boundaries.

3. Considering the above, there appears to be a serious dispute between the parties, as to whether the cable line of the Railway can be said to be traveling over the lands of the Petitioners, for which, the Petitioners seek a direction that they should acquire their lands with reference to the Gut Numbers mentioned in the prayer clause of the Petitions.

4. In the matter of **City and Industrial Development Corporation Vs. Dosu Aardeshir Bhiwandiwalla and others, [AIR 2009 SC 571]**, the Hon'ble Supreme Court has held that, disputed issues, which need recording of evidence, should not be entertained by the High Court in its Writ jurisdiction.

5. We find that the disputed issues, as like (a) Whether the cable lines are traveling over the lands of the Petitioners; (b) Whether the Petitioners' lands can be said to be affected by the

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proposed Manmad-Jalgaon third railway line at Gut No.145;
(c) Whether the boundaries of the lands of the Petitioners appear to be distinct from the purported boundaries stones of the Railways and (d) Whether the boundaries stones of the Railway are found in the lands of the Petitioners, will have to be considered by recording oral and documentary evidence.

6. In view of the above, **all these Writ Petitions are disposed off**, with liberty to the Petitioners to avail of a remedy, as is permissible in law. We clarify that, since a public project is involved, we are not inclined to issue any injunctory orders as against the proposed railway line.

7. We also make it clear that, if it is proved before the Trial Court that the lands of the Petitioners have been utilized to some extent in the proposed third railway line, they would be entitled for compensation for acquisition as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(Y. G. KHOBRADE, J.)

sjk

(RAVINDRA V. GHUGE, J.)