



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4822 OF 2024

Dnyaneshwar Govinda Mahajan

VERSUS

The State Of Maharashtra Through
Its Principal Secretary And Others

...

Mr. Bhushan Mahajan, Advocate for the Petitioner

Mr. V. S. Badakh, AGP for Respondents/State

...

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

DATE : MAY 08, 2024

PER COURT :

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

"B) To direct the respondent No.6-Deputy Superintendent of Land Records, Land Records Officer, Bhadgaon, Dist. Jakgaon to carry out joint measurement at Gut No. 368 and 367/2/B situated at Gudhe, Tq. Bhadgaon, Dist. Jalgaon;

C) To direct the respondent No.3-Executive Engineer, Public Works Division, Jalgaon to initiate due process of land acquisition, if the joint measurement reveals that portion of Gut No. 368 and 367/2/B has been utilized in construction of Gudhe-Navare Bridge;

D) To direct the respondent No.4-Executive Engineer, Pradhan Mantri Gram Sadak Yojana, Maharashtra Rural Roads Development Association, Jalgaon to initiate due

process of land acquisition, if the joint measurement reveals that portion of Gut No. 368 and 367/2/B has been utilized in construction of Dalwade-Gondgaon Major District Road No. 121;

E) To direct the respondent No.3-Executive Engineer, Public Works Division, Jalgaon and the respondent No.4-Executive Engineer, Pradhan Mantri Gram Sadak Yojana, Maharashtra Rural Roads Development Association, Jalgaon to decide the representation dated 04.03.2024 (EXHIBIT-"E" Collectively) preferred by the petitioner preferably within four weeks;"

2. The learned Advocate for the Petitioner submits that, on the representation of the Petitioner, dated 04.03.2024, the Competent Officer (Land acquisition)/Deputy Collector, Jalgaon has issued communication to the Executive Engineer, PWD, Amalner, calling for his report. 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 Yeola-Erandol State Highway No.25, there should be a joint measurement. 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 Writ Petition is**

disposed off, with the following directions:-

(A) If a measurement of the Petitioner's land has not been carried out, appropriate directions shall be issued for carrying out the said measurement. The Petitioner has already paid the measurement charges and the measurement is scheduled on 22.05.2024.

(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, to be specific, 650/1/A/1 Kasoda to Erandol road, has been utilized for the said road, 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 12 months period.

(R. M. JOSHI, J)
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(RAVINDRA V. GHUGE, J)