



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 WRIT PETITION NO. 5296 OF 2024

VISHWANATH RAMA UMBARGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

.....
Advocate for the Petitioner : Mr. Rudrawar Suresh Gangadharrao
AGP for Respondents/State : Mr. N.S. Tekale
Advocate for R/9 : Mr. S.S. Thombre
.....

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 10th June, 2024

PC. :-

1. The Petitioners claim to be tenants. The original landlord, Sambhaji Madhavrao Patil, has not been arrayed in this petition. Leave to add. Addition be carried out forthwith.

2. Sambhaji Madhavrao Patil was before us in Writ Petition No.6475/2023. By an order dated 19.06.2023, we had observed in paragraph 4 and 5 as under:

“4. In similar circumstances, this Court has passed an order on 16.09.2021 in WP No.12879/2016 and 12890/2016 at Aurangabad. The Petitioner has clearly stated that if the Authorities require any portion of his land for widening of State Highway No.145, which passes through the land in Survey Nos.256 and 357 situated at Shirur Anantpal, they may acquire the land.

5. *In view of the above, this writ petition is disposed off with the following directions :-*

[a] The public project pertaining to State Highway No.145, may be proceeded with.

[b] In the event, the lands owned by the Petitioner in which he has a right, title and interest, are utilized for the widening of the road, the Petitioner shall not be dis-posessed without following the due process of Law.

[c] The Respondents/Authorities are at liberty to measure the lands with prior notice to the Petitioner and if it is found that any portion of the land which legally belongs to him, is been utilized for widening of State Highway No.145, the portion of the land utilized shall be treated as being acquired and appropriate proceedings shall be initiated by the Respondents/Authorities, without causing any delay.”

3. The learned advocate for the Original Landlord strenuously opposes this petition and submits that this petition filed by the tenants should be dismissed with exemplary cost of Rs. 50,000/- each and the cost be awarded to the landlord. The learned advocate for the Petitioners submits that considering the order passed in the petition filed by the Sambhaji Madhavrao Patil, this petition may be disposed off without imposing cost.

4. In view of the above, for the reasons and directions set out below paragraph 4 and 5 re-produced above, **this Writ Petition is disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]