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

928 WRIT PETITION NO. 6619 OF 2024

YAHYA ABDULLA MAKRANI AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

....

Mr N. L. Jadhav, Advocate for Petitioners;

Mr S. J. Salgare, A.G.P. for Respondents/State

Mr S. G. Kawade, Advocate for Applicant/Shri. Bharat

Naiknaware (not made a party)

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 2nd July, 2024

PER COURT:

1. We have heard the learned Advocate for the respective sides. We have perused the earlier orders passed by this Court, dated 16/11/2022 in Writ Petition No.11094/2022; dated 08/12/2022, in Writ Petition No.12430/2022 and dated 08/03/2023, in Writ Petition No.2721/2023.

2. The common thread in all these matters is as regards encroachment on the Patoda to Chumbali Panand Road. Since a public project has been undertaken, not only that the

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encroachment has to be removed, but the road has to be measured, so as to satisfy the requirement of the project. The Petitioners, who have approached this Court in the above referred Writ Petitions, have been consistently seeking measurement of the entire Panand Road for the purpose of removal of encroachment. In one order passed by this Court dated 08/12/2022, it has been held that the concerned Authority can carry out the measurement and remove the obstructions. The road is existing on the village map is an admitted position.

3. The learned Advocate for the Original Applicant, namely, Shri. Bharat Sadashiv Naiknaware, who is not arrayed as Respondent, has appeared before us and has submitted that he was the person who has made the first application for the measurement and has paid the charges. He has no objection if the whole Panand Road is measured.

4. In view of the above, **this Writ Petition is disposed off**, with a direction to Respondent No.5/Deputy Superintendent of Land Records, Majalgaon, Tq. Majalgaon, Dist. Beed, to follow the due procedure laid down in law and measure the entire

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Panand Road. Insofar as the charges for measurement are concerned, the land owners, whose lands are abutting the Panand Road, shall be liable to pay their measurement charges to the extent of their lands.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk