



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

**CIVIL APPLICATION NO. 8584 OF 2024
IN CP/277/2024**

**DILIP VISHWAMBHAR SULAKHE AND ANR
VERSUS
THE UNION OF INDIA AND OTHERS**

....

Mr. S. A. Ambilwade, Advocate for the Petitioners
Mr. N. S. Tekale, AGP for the Respondent – State
Mr. Amol Patale, Advocate for Respondent Nos. 3 to 5

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 27.09.2024

PER COURT :-

1. By this application, the Petitioner prays for recalling of the order dated 31.07.2024 and for restoration of the Contempt Petition No.277 of 2024.

2. The gravamen of the Petitioner's case is as against the observations made by this Court in paragraph No.3 of it's order dated 31.07.2024, recording the statement of the Respondents that "*not an inch of the road is being laid/constructed beyond 12*

meters". A further observation was made in paragraph 6 when Respondent Nos. 3 and 4 made a statement that 'the Petitioner's land is not affected since the Road is laid only of 12 meters'. According to the learned Advocate for the Petitioner, the measurement report dated 08.05.2024, was pursuant to the order of the co-ordinate Bench of this Court dated 05.04.2023, passed in Writ Petition No.8088 of 2019.

3. The learned Advocate for the Petitioner submits that Clause 6(e), which is a part of the joint measurement report, indicates that the area of land occupied is 30 on the NH 222. Clauses (b) and (c) indicate that the private land admeasuring 5H 02R is covered by the road.

4. The learned Advocate representing Respondent Nos. 1 and 3, is under instructions to make a statement that the road is of only 12 meters width and the Petitioner is at liberty to cultivate his agricultural land beyond the 12 meters of the road. This statement is made after we posed the same question twice and the learned Advocate has reiterated the same.

5. As such, our order dated 31.07.2024, recording the solemn statement made by Respondent No.3 in paragraphs 3 and 6,

concluding that only 12 meters road is laid, may not be a correct observation in the light of Clause 6(e) and 7 (b) and (c) of the measurement report, which is prepared by the Chief Engineer, National Highway (PW) Konkan Bhavan, Navi Mumbai.

6. In view of the above, we are recalling our order of disposing of the Contempt Petition, dated 31.07.2024. **Contempt Petition No.277 of 2024 stands restored to the file of this Court.**

7. The Registry shall place the said Contempt Petition before the Bench assigned with the Contempt Petition roster.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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