



(1)

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

WRIT PETITION NO. 13026 OF 2022

SUREKHA AJAYKUMAR AGARWAL

VERSUS

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

....

Mr Amol Mali, Advocate h/f Mr D. S. Bagul, Advocate for
Petitioner;

Mr P. K. Lakhotiya, A.G.P. for Respondent Nos.1, 3 and 5

Mr D. S. Manorkar, Advocate for Respondent No.2

Mr R. B. Bhosale, Advocate for Respondent No.4

CORAM : RAVINDRA V. GHUGE

AND

R. M. JOSHI, JJ.

DATE : 24th April, 2024

PER COURT:

1. The grievance of the Petitioner is that, though the concerned Authorities have undertaken the work of expansion of the National Highway, the same has been done without following the due process of acquisition. The learned A.G.P. points out that the acquisition of the land has been done in accordance with the provisions applicable. Award is delivered. Compensation is paid. The land of the Petitioner has not been affected in any way. The road is also ready and is being used.

(2)

2. The learned Advocate for the Petitioner submits that, the Petitioner is willing to bear the charges for the measurement of her lands mentioned in prayer clause (B). She is willing to deposit the measurement charges and seeks re-measurement.

3. Shri. Manorkar, the learned Advocate for Respondent No.2/NHAI submits that, the measurement earlier was carried out, which is the basis of the Award. A fictitious claim is put forth before the Court.

4. In the above backdrop, we called upon the learned Advocate for the Petitioner to seek instructions, as to whether we should record that, if the Petitioner's claim turns out to be false or bogus, costs would be imposed upon her. He submits on instructions that the Petitioner is ready to face the consequences.

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

(a) The Petitioner shall deposit requisite fees for the measurement of the land bearing Gut Nos.84/4/1/1/A and 84/4/1/1/B.

(3)

(b) After the amount is deposited, Respondent No.5/Taluka Inspector of Land Record, Navapur would carry out measurement of the said lands by giving due notice to the Petitioner and adjoining land owners. The Petitioner shall remain present as per the notice schedule for the measurement.

(c) If the Petitioner's claim turns out to be false or bogus and if it is our affirmation that her land is not affected, she shall pay costs to the State exchequer which is quantified at Rs.1,00,000/-.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk