

Ashvini Narwade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13999 OF 2024

Sagar Popat Jadhav and Ors.

... Petitioner

Versus

The State of Maharashtra through office of G. P. &
Ors.

... Respondents

Mr. Shailesh Chavan a/w. Kartavya Ostwal, Mr. Shubham Nabriya i/b.
Mr. Vishwajeet Kapse for the Petitioner.

Mr. B. V. Samant, Addl. G. P. a/w. Mrs. M.S. Bane, AGP for Respondent
Nos. 1 to 4 & 7, 8.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
Date : 10 October, 2024

PC:

1. Not on board. Upon mentioning, taken on board on a praecipe as moved on behalf of the petitioner.
2. Issue notice to the respondents returnable on 24 October 2024. In addition to Court Notice, the Advocate for the Petitioner is permitted to serve the Respondents by private service and place on record the Affidavit of Service.
3. It is clarified that on the adjourned date of hearing, if despite service,

Respondents are not represented, the Court shall proceed to hear the parties and pass appropriate Orders.

4. Mrs. Bane, waives service of notice for Respondent Nos.1, 2, 3, 4, 7 and 8.

5. Mr. Chavan, learned Advocate for the Petitioner states that there is some urgency in the matter in as much as without acquisition of the land belonging to the Petitioners and subject matter of the present Petition, Respondent No.5 has started the excavation on the Petitioner's land knowing well that the land is not acquired by any lawful award passed as per the provisions of the National Highways (Land Acquisition) Act, 1956. Photographs of the action being taken by Respondent No.5 are taken on record.

6. Till the Respondents appear and are heard, in our opinion, it is in the interests of justice that the Petitioner is required to be protected. Hence, till the adjourned date of hearing, Respondent No.5 shall maintain *status quo* in regard to the lands of the Petitioners.

7. Reply Affidavit to the Petition be placed on record before the adjourned date of hearing and a copy of the Affidavit be also served on the Advocate for the Petitioner well in advance.

8. Learned AGP to also take instructions and place Reply Affidavit on record.
9. Parties to act on an authenticated copy of this order.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)