



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2773 OF 2024

(Ravindra s/o Narendrakumar Jinturkar and others vs. State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. M.R.Johrapurkar, Advocate for the petitioners.
Mr. D.M.Kale, Advocate for respondent No.4.

CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE : SEPTEMBER 26, 2024

The petitioners are aggrieved by the part of the Government Resolution dated 23/02/2023, when the Urban Development Department granted administrative approval in the wake of the "Maharashtra Suvarna Jayanti Nagarothan Mahabhiyan" being implemented in Deulgaon Raja for development of roads and the work set out at Item No.2 being the construction of cement road from Vijay Collection to Santosh Chitra Mandir and for which the expenditure is set out to be Rs.5,10,42,504/-.

2) The grievance of the petitioners who are likely to be affected on account of construction of this 24 meters road, is about the procedure that shall be adopted for taking possession of the land for the purpose of construction of the road as the petitioners apprehend that in absence of a City Survey Map, the exact boundaries of their premises may be very difficult to be identified and this may pose some difficulty for the petitioners.

3) We find apprehension expressed by the petitioners to be unfounded since the respondent No.4 Municipal Council, Deulgaon Raja, which has affirmed an affidavit on 19/07/2024

through its Chief Officer has made a categorical statement, which we reproduce as under :-

“5] It is submitted that the answering respondent has proposed the construction of road considering average width of 24.0 mtr. approximately. The Municipal Council, Deulgaoraja is constructing the road as per land available on site. It is submitted that while constructing the road from Santosh Chitra Mandir to Vijay Collection, it has become necessary to verify the documents of ownership of the petitioners so after verification of documents submitted by petitioners, if encroachments found, made by the petitioners beyond their private land, such encroachments will be removed by Municipal Council in the interest of public convenience. Then if Municipal Council require any private land for road construction the Council will acquire the land required for the road as per the prescribed procedure of law and after following due procedure the same will be acquired and the Municipal Council will construct the road. That, the affected land owners will be entitled for the compensation in terms of the prescribed procedure of law. That, the said road is required for the public utility and the same is necessary to avoid the traffic conjunction so that the public safety can be maintained along with smooth and proper free flow of traffic.”

4) The aforesaid statement, according to us, takes complete care of the apprehension in the minds of the petitioners as the respondent No.4 Municipal Council has made it clear that if any private land for the purpose of construction of road is required, the Municipal Council will acquire the said land as per the prescribed procedure of law and after following due process contemplated under the Municipal Laws.

5) The aforesaid statement shall be adhered to by the Municipal Council in its true letter and spirit and by recording so, we deem it appropriate to dispose of the petition.

6) We grant liberty to the petitioners to approach the Chief Officer of the Municipal Council, Deulgaon Raja with all the necessary documents in their possession as regards the land, which is in their occupation/possession either as owner or in any other manner and satisfy their rights over the said piece of land and the Municipal Council to take appropriate steps.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)

KOLHE