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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10175 OF 2018

Haribhau Bhanudas Mandalik and Others

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

WITH
WRIT PETITION NO.750 OF 2020

Bhausahab Bhaskar Tambe and Othes

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. D. R. Jaybhar, Advocate for the Petitioners

Mr. G. A. Kulkarni, AGP for Respondent - State

Mr. D.P.Madkar h/f Mr.D.S.Manorkar, Adv. for Respondent No.3

Ms.V. H. Sangole, Advocate for Respondents No.4 and 5

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[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]

DATE : 26th NOVEMBER, 2025

ORDER :

1. It is the case of the Petitioners that their lands were acquired for National Highway 752-E at village Naferwadi, in the year 1999. The Petitioners, in the year 2017, made an application to the Respondents contending that possession of

their lands is taken by the Respondents without initiating acquisition proceedings and, hence it was requested to initiate acquisition proceedings and pay the compensation.

2. The Respondents claim that, pursuant to proposal received from Executive Engineer, National Highway, Aurangabad for constructions of National Highway No. 752-E, joint measurement was carried out on 1st January, 2019, 12th February, 2020 and 12th July, 2021 and joint measurement reports were submitted. According to the Respondents, from the said reports it is clear that no land of the Petitioners came under acquisition. Therefore, claims of the Petitioners are not maintainable.

3. In the order dated 9th April, 2019 passed by this Court in similar facts, in Writ Petition 9072 of 2016 this Court has observed thus:-

“4. There is nothing on record before us to conclude that the width of the road acquired in 1997 is widened. Unless the petitioner is in position to show that the width of the 12 meter road has been widened, the petitioner would not be in a position to get any relief.

5. The petitioner, if so desires, may go for measurement of the land of the road and may proceed further as per the measurement report.

6. In case, as per measurement report the width of the road is

more than 12 meters, the petitioner may agitate his grievance before the authority”

4. Aforesaid observations are squarely applicable to the facts of the present case. If the Petitioners are in a position to show that their lands fall under acquisition, the Petitioners may agitate their grievance before the authority.

5. The Writ Petitions are, therefore, disposed of in terms of the observations made in paras 5 and 6 quoted above.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE