

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

**929 CONT. PETITION NO. 159 OF 2023
IN WP/4022/2019**

Bandu Sahadev More And Others

VERSUS

Sachin Collector And Others

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Mr. Ram S. Shinde – Advocate for the Petitioners

Mr. Madhav N. Kalyane through VC – Advocate for Petitioner No.38

Mrs. S. N. Deshmukh - AGP for Respondent/State

Mr. Deepak S. Manorkar – Advocate for Respondent No. 3

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WITH

CIVIL APPLICATION NO. 540 OF 2025 IN CP/159/2023

CIVIL APPLICATION NO. 541 OF 2025 IN CP/159/2023

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**CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.**

DATED : 04TH FEBRUARY, 2025

PER COURT : -

1. Mr. Santosh Raut – Incharge Sub-Divisional Officer & CALA, Dharashiv and Mr. Santoshkumar Deshmukh, Land Acquisition Officer No. 3 & CALA, Solapur, are present before the Court.

2. This Contempt Petition is filed for non-compliance of the order dated 20.01.2022 passed by this Court in Writ Petition No. 4022 of 2019 with connected Writ Petitions. The relevant portion of the said order reads thus:

“13. In this backdrop, upon perusal of the record, we find that the short controversy regarding the exact width of the subject road, is purely factual dispute. Nothing is on record to establish with any amount of exactitude, the actual width of the subject road. This question of fact cannot be satisfactorily resolved on the basis of the documents available on record. The substratum of the matter is the exact extent of the width of the subject road and whether the respondents can undertake the construction /upgradation of the said road without acquiring the lands of the petitioners. It is trite that no person can be deprived of his property except by following due procedure established by law. Therefore, in case, the respondent authorities arrive at the conclusion that the lands of the petitioners are affected, they must forthwith take up acquisition proceedings as per the law.

14. In the circumstances, to resolve the issue of the exact width of the subject road, we consider it appropriate to direct the respondent authorities to take effective steps to carry out a joint measurement of the subject road at the concerned villages through appropriate authority in presence of the both the sides and under the supervision of the Collectors of Osmanabad and Solapur districts after following due procedure of law as expeditiously as possible and preferably within two months. It is also ordered that in case, after the measurement it is found that the lands of the petitioners are affected by the proposed work, the respondent authorities shall commence the process of acquisition immediately.”

3. It is submitted by the learned Advocate for the Petitioner that the concerned authority had carried out the measurement pursuant to the order of this Court, however, the further steps are not taken by the authority concerned and, therefore, this Contempt. It is submitted that, in the said joint measurement, the Petitioners are not shown to be affected persons.

4. It is submitted by the learned Advocate for Respondent No.3, the Acquiring Body, that the Notification under Section 3A of the National Highways Act, 1956 [hereinafter referred to as 'the said Act'], has been issued on 08.10.2024. He submits that, if any person is interested in the lands, he can raise the objection pursuant to the provisions of Section 3C of the said Act. He has tendered across the bar a copy of the said Notification, which is taken on record and marked as "X" for the purpose of identification.

5. It is needless to state that the Petitioners can raise their grievances before the said competent authority pursuant to Section 3C of the said Act, if they have not raised. It is needless to state that the further course of law will follow.

6. With the observations as above, we don't see any reason to keep the petition pending. Nothing remains for consideration; hence, the petition stands disposed of. Pending Application/s, if any, stand/s disposed of.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE