



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

974 WRIT PETITION NO. 2536 OF 2023

Suresh Yashwant Chaudhari

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. Ajeet B. Kale, Advocate for the Petitioner

Ms. R. P. Gour, AGP for Respondents/State

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CORAM : KISHORE C. SANT AND
ABASAHEB D. SHINDE, JJ.

DATED : NOVEMBER 27, 2025

P.C.:

1. The petitioner has approached this Court seeking direction to Respondent Nos.2 to 4 i.e. the authorities of State Government to acquire the land of the petitioner and pay compensation as per the new Land Acquisition Act, 2013.

2. It is the case of the petitioner that he owns a land at Gat No.393/1 situated at Village Khurd, Tq. Yaval. It is his case that on the said land, without following any due procedure and without following acquisition proceedings, the Respondents have started construction of a road and therefore it is necessary to issue a direction to acquire the land.

3. Learned Advocate for the petitioner argues that the said land belongs to the petitioner. While constructing the road it is necessary to

acquire the land, however, no procedure is followed and the road is constructed and therefore the petitioner is entitled to receive compensation as per the said Act.

4. The learned AGP vehemently opposes the petition and submits that no land of the petitioner or any other person is acquired since the work is done only for strengthening of the existing road i.e. Village Road No.23, therefore, there is no question of acquisition of any land. There are two roads i.e. Village Road No.21 and Village Road No.23 going through the MDR No.11 to Mavla. It is thus submitted that there is no question of acquiring any land. Paragraphs 3 and 4 of the Affidavit in Reply filed on behalf of Respondent No.4 is as below :-

“3. I say and submit that, the petitioner in paragraph no. 4 of the petition has given wrong information regarding existence of two roads. I say and submit that, the correct details of the road are as follows :-

- i) Village Road no. 21, which goes MDR no. 11 to Mahuva*
- ii) Village Road no. 23 which goes from MDR no. 11 to Mavla.*

4. I say and submit that, as admitted by the petitioner, the road connecting Haripura to Wadri-MDR-11 is existence since last 42 years and same was in the road development plan of 1981 to 2001 as a village road-58. The said village road was converted into MDR-11 in road development plan of 2001 to 2021 and was handed over by Zilla Parishad to the Public Works Department in the year 2013.”

5. This Court has gone through the petition paper book. It is seen that the petitioner along with others had also filed R.C.S. No.33 of 2022 seeking injunction against the Respondents, in which Exhibit-47 was also filed for temporary injunction and the same came to be

rejected by the Joint Civil Judge Senior Division, Bhusawal. Subsequently, on asking it is informed that the said Suit also came to be withdrawn later on as the matter was relating to acquisition and the Civil Court has no jurisdiction to deal with the acquisition matter.

6. This Court find that the basic dispute is about the land on which the alleged construction of road is done, which as per the Respondents only work of strengthening of the road is going on. This Court find that since the disputed question of fact is involved, this Court need not go into the question. This Court does not find that any relief can be granted to the petitioner, in view of the above.

7. The Writ Petition, therefore stands disposed of. No order as to costs.

[ABASAHEB D. SHINDE, J.]

[KISHORE C. SANT, J.]