



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7653 OF 2025

JANARDAN SAMPAT WAGH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Advocate for the Petitioners : Mr. Ashok A. More

AGP for Respondents-State : Mr. S. P. Sonpawale

Advocate for Respondents – Corporation : Mr. S. P. Urgunde

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CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.

Dated : June 27, 2025

PER COURT :-

1. Mr. More, the learned Advocate for the Petitioners has pointed out an award dated 18.12.2008 which is titled as भुसंपादन — औरंगाबाद — भाग ब. On internal Page No. 3 in the opening and the second paragraphs, the land acquisition was carried out up to 45 mtrs. from the existing 30 mtrs. and the compensation was paid in terms of the erstwhile Land Acquisition Act, 1894. The argument is that this road at issue is a 45 mtrs. road.

2. We find that the above argument of Mr. More would be

applicable to all the cases which we have heard today while delivering a detailed order dated 27.06.2025, in **WRIT PETITION NO. 7558 OF 2025, KUSUMBAI LAXMAN NARWADE AND OTHERS VERSUS THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS** and a group of cases. In this context, it would be the Corporation which will have to resort to a re-verification of its own records in the light of the Award dated 18.12.2008 to conclude as to whether the acquisition of land was to the extent of 45 mtrs. as in December 2008. If that be so, if the Authorities desire to increase the width of the land leading to the widening of the road till 60 mtrs., the land owners whose areas fall within 15 mtrs, from either side, if established, may have a right for compensation in the terms of the Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Notwithstanding the above, any constriction carried out without Building and Construction Permission, even though within the plot to which a Petitioner may have a right and title, is an illegal construction. No illegal construction can stand on a plot, even if it is owned by Petitioner.

4. It is a fallacious submission of the learned Advocates appearing in all these Petitions that until the Government decides the DP, their structures should not be touched. It is immaterial as to whether the Government utilises its land. What is material is that no citizen of this Country can construct a property without prior Building and Construction Permission even in his own land. If an illegal structure is countenanced, citizens would start constructing multiple floors in their own plots contending that they are at liberty to construct whatever structure they desire as if this is unfettered by law.

5. We, therefore, reiterate that even if a structure standing without prior Building and Construction Permission in these areas as well as the entire city of Chhatrapati Sambhajinagar, the Corporation shall follow the procedure and demolish the structure after 15th August, 2025. Those persons who are aware of their illegal structures without prior Building and Construction Permission, shall remove their belongings and demolish their own structures to the extent the structures are illegal, until 15.08.2025. If there is any scheme of the Corporation or the Government for regularisation of structures, it is left to the Authorities to implement the provisions of such schemes.

6. We would also record though we have said it in the earlier portion of the order in the earlier Writ Petitions (**WRIT PETITION NO. 7558 OF 2025**, KUSUMBAI LAXMAN NARWADE AND OTHERS VERSUS THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS), that after the illegal construction portions are removed, if the Authorities desire to acquire the land for the widening of the road to the extent of 60 mtrs, the due process shall be followed and those who lose their lands having a title to the property, in such widening of the road, would be entitled for compensation as per the Act of 2013.

7. With the above observations, **this Petition is disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

Omkar Joshi