



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4746 OF 2018

Ananta Anna Dhawale and Others

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

WITH
WRIT PETITION NO.9810 OF 2018

Laxman Anna Dhawale and Another

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

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

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

Mr. V. M. Chate, Advocate for Respondents No.4 and 5

.....

[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 the construction of Patoda to Arangaon Road via Kharda, in the year 1997 and in the year 2017, the said road is widened, therefore, the Petitioners are entitled for the

compensation. While constructing the road, no acquisition proceedings are undertaken by the Respondents and the lands of the Petitioners are taken in possession.

2. The Respondents claim that no new acquisition proceedings are undertaken and the construction of road having 12 meter width is made on the same road, for which lands were acquired in the year 1997 and no additional land has been acquired or utilized by the Respondents for widening / repair of the said road. Therefore, the claims of the Petitioners are not maintainable.

3. The Respondents also rely on the order dated 9th April, 2019 passed by this Court in similar facts, in Writ Petition 9072 of 2016 wherein this Court has observed:-

“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.

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