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

WRIT PETITION NO.1862 OF 2025

**RAJU NANASAHEB CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.**

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Shri S.S. Khoche, Advocate for the petitioner.
Ms. P.J. Bharad, AGP for Respondent Nos.1 to 4/State.
Shri S.B. Deshpande, Senior Advocate i/by Shri M.D.
Narwadkar, Advocate for Respondent No.5/NHAI.

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**CORAM : MANGESH S. PATIL
&
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 07th February, 2025

Per Court :-

The petitioner claims to be owner of the land Gat No.821 of village Bidkin abutting Chhatrapati Sambhajnagar – Paithan state highway. He claims that with all requisite permissions, he has been running a hotel, which is now sought to be forcibly taken possession of for road widening, by respondent No.5 National Highway Authority of India (NHAI).

2. The learned advocate for the petitioner submits that though it is stand of the NHAI that the petitioner's hotel is falling under ROW, it is incorrect. The petitioner has all requisite

permissions including NA permission and no possession can be taken without following due process of law and without even making an attempt to compensate him.

3. When it was pointed out to him that admittedly, steps giving rise to the cause being propounded by the petitioner, are being taken pursuant to the observations and directions in Public Interest Litigation No.188/2022, which was earlier pending with this bench, but has subsequently been transferred to the principal seat, particularly the order dated 31.01.2025, he submits that the petitioner would take steps so that the present matter can be tagged with the PIL or independently the petitioner may even seek to intervene in the PIL, however, he shall be given some breathing time else the matter would become infructuous.

4. It is apparent that as mentioned in the petition itself, the petitioner was served with the notice on 20.09.2024. He must have been aware about what was coming his way. There is nothing on record to demonstrate about he having responded to that notice.

5. Considering the fact that the impugned action has its

genesis in the order/ observation made in the PIL No.188/2022, it would be appropriate that the present matter is dealt with by the same division bench. The registry shall take necessary steps. Even the petitioner may take steps on administrative side so that the matter can be tagged with the PIL and considered on its own merits.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)