



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

12 WRIT PETITION NO. 3703 OF 2025

ANIRUDH SUBASH NAIK

VERSUS

STATE OF MAHARASHTRA

THROUGH PRINCIPAL SECRETARY AND OTHERS

...

Mr. Shaikh Javed R., Advocate for the Petitioner

Mr. R. K. Ingole, AGP for Respondent Nos. 1, 2 and 4.

Mr. A. V. Indrale Patil, Advocate for Respondent No. 3 & added
respondent- MSRDC.

...

AND

155 WRIT PETITION NO. 3229 OF 2025

WITH

CIVIL APPLICATION NO. 2871 OF 2025

IN

WRIT PETITION NO. 3229 OF 2025

BABASAHEB GANPATRAO SHEWALE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA

THROUGH PRINCIPAL SECRETARY AND OTHERS

...

Mr. A. B. Kale h/f. Mr. Chalak Amol Balasaheb, Advocate for the
Petitioners

Mr. R. K. Ingole, AGP for Respondent Nos. 1 and 2.

Mr. A. V. Indrale Patil, Advocate for Respondent No. 3

...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 24.03.2025

PER COURT :

. Mr. Indrale Patil submits that he has instructions to cause appearance for respondent No. 3 in writ petition No. 3703 of 2025 and seeks time to file reply in this matter as also the combined matter at serial No. 155 i.e. WP No. 3229 of 2025. The Civil Application No. 2871 of 2025 in Writ Petition No. 3229 of 2025 is allowed. Amendment to be carried out forthwith.

2. Considering the fact that the MSRDC is the user department which will have to shell out the money, it shall be added as respondent in all these petitions. Amendment to be carried out to that effect forthwith. Issue notice to the MSRDC. Mr. Indrale Patil waives service for the respondent being added.

3. Heard learned advocates for the petitioners who pray for *ad interim* relief in the form of stay to the operation of the communication dated 10.01.2025.

4. We have heard both sides extensively.

5. It is a matter of valuation to be determined pursuant to Section 19B of the Maharashtra Highways Act.

6. Learned advocates for the petitioners would take us through the papers and would demonstrate that District level committee had earlier prepared a report on 09.06.2023. The objections were raised and finding that some rectification was needed in matter of fruit bearing trees that a successor district level committee arrived at a different conclusion, which was accepted by the petitioners. They submit that that should be the final determination of valuation pursuant to Section 19B. However,

reverting back, the subsequent district level committee again headed by the successor collector issued a communication *inter alia* directing that the first report prepared by the earlier committee shall be the basis for determination of the compensation. By way of *ad interim* relief the petitioners are praying for stay to this subsequent communication dated 10.01.2025.

7. In our considered view, if there is already an agreement as is the stand of the petitioners, any subsequent communication like the impugned order dated 10.01.2025, thereby reverting back to the valuation done at earlier point of time, would not matter. The terms of the contract cannot be altered unilaterally so as to adversely affect the rights of the petitioners who can, based on the agreement entered into by them, persist with its enforcement. We therefore, find no reason to stay the operation of the impugned communication dated 10.01.2025.

8. Stand over to 15.04.2025.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

jhs/