

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 06 OF 2020

Ashok Gangaram Kajrolkar

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

None for the Petitioner.

Mr. A.A. Naik, A.G.P. for the Respondent-State.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 11th December 2025.

P. C. :

1. We have perused the Memo of the Petition.
2. This Petition prays for the following substantive reliefs :-

“a) Rule be issued;

b) That by an appropriate writ, order direction, order in the nature of writ of mandamus and/or any other writ or direction in the nature of mandamus shall be issued directing the Respondents No. 1 and 2 to initiate departmental enquiry against the Respondent No. 05 and investigate the allegations made in the said representation made by the Petitioners against the Respondent No. 5;

c) That by an appropriate writ, order direction, order in the nature of writ of certiorari and/or any other writ or direction in the nature of certiorari shall be issued to quash and set aside the impugned notice dated 27/03/2017, u/s 3E and 3H of National Highway Act 1956; and any other notices in regards disbursing compensation to unauthorized constructions issued by the Respondent No. 5 in related acquisition process of Mumbai Goa Highway widening Project.

d) That by an appropriate writ, order direction, order in the nature of writ of mandamus and/or any other writ or direction in the nature of mandamus shall be issued directing the Respondents to recover the compensation amount of Rs. 4,12,90,487/- (Rupees Four Crores Twelve Lakhs Ninety Thousand Four Hundred and Eighty Seven only) to the owner Mr. Sunil Sitaram Jadhav;

e) That by an appropriate writ, order direction, ad-interim order in the nature of writ of mandamus and/or any other writ or direction in the nature of mandamus may be issued by this Hon'ble High Court to the Respondent No. 7 to investigate the representation dt. 20/01/2019 filed by the Petitioner and register a First Information Report against the Respondent No. 5;

f) That by an appropriate writ, order direction, order in the nature of writ of mandamus and/or any other writ or direction in the nature of mandamus shall be issued directing the Respondents to investigate the all the matters of disbursements of compensations adjudicated by the

Respondent No.5 in regards land acquisition proceedings carried out in Mumbai Goa Highway project;

g) That by an appropriate writ, order direction, order in the nature of writ of mandamus and/or any other writ or direction in the nature of mandamus shall be issued directing the Respondents to recover all the compensations disbursed to unauthorized constructions adjacent to the Mumbai Goa Highway;

h) For such and other reliefs as this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case.”

3. We have perused the detailed Affidavit dated 28th February 2020 filed by Ms. Kalpana Tanaji Jagtap, then working as Deputy Collector (Encroachment Removal), Mulund, Mumbai, who was previously working as Sub-Divisional Officer, Chiplun, District Ratnagiri from the period 16th September 2016 to 8th September 2019. To the grievance of the Petitioner that the compensation has been wrongly paid to the person who is responsible for the unauthorized construction, a detailed explanation is submitted by way of Affidavit-in-Reply indicating that even if the land is put to non agricultural use without the approval of the Competent Authority, the structure is liable for compensation. It is stated that the compensation of the land should be decided treating such land as agricultural.

4. In the light of the detailed Affidavit dated 28th February 2020, we do not find any merit in the P.I.L. Petition.
5. P.I.L. Petition is accordingly dismissed.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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