

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.12927 OF 2024

Ramdas Dondiba Sarode & Ors. ... Petitioners

Versus

The State of Maharashtra,
Through the Principal Secretary,
Public Works Department & Ors. ... Respondent

Mr. Dilip Bodake a/w Ms. Shraddha Pawar and Mr. Sharad
Bhosale for the Petitioners

Mrs. M. S. Bane, A.G.P for the Respondent-State

Mr. Kamal Damle a/w Ms. Shraddha Dube Patil i/b Jay and Co.
for the Respondent Nos.6 and 7

**CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.
THURSDAY, 14th AUGUST 2025**

P.C :

1 Mr. Anil Jadhav, Assistant Engineer, P.W.D, Shirur, is
personally present pursuant to our order dated 12th August 2025.

2 Learned A.G.P has tendered an additional affidavit-in-
reply of the said officer dated 14th August 2025. The same is

taken on record. In the said additional affidavit, Shri Anil Jadhav has stated that an incorrect statement was made by him inadvertently and as such has tendered his unconditional apology. The said apology is accepted.

3 Having heard learned counsel for the respective parties, we are of the view that the matter involves disputed questions of fact, which cannot be adjudicated in writ jurisdiction. Hence, as agreed by all the parties, we deem it appropriate to forward a copy of the petition to the Collector Pune, along with all orders passed therein and affidavits filed by the respective respondents. The said copy of the petition be treated as a representation to the Collector, Pune, to enable him to consider whether the petitioner's land has been taken over by the authorities without following due process of law i.e., without acquisition and without payment of any compensation to the petitioner.

4 Learned counsel for the respondents have no objection if the same is referred to the Collector, Pune. Accordingly, a copy of the petition filed by the petitioners, together with all orders passed and affidavits filed therein, shall be placed before the Collector within one week.

5 We request the Collector, Pune, to depute a senior and responsible officer to carry out a spot inspection of the lands in question. A panchnama thereof i.e. of the land in question to be done at the earliest and, in any event, within one week from the date of receipt of this order. The said inspection and panchnama shall be carried out in the presence of the parties. Till such time the spot inspection and panchnama are completed, the respondent authorities shall maintain *status-quo*.

6 Thereafter, the Collector, Pune, after giving hearing to the respective parties, to consider whether the respondents

have forcibly taken over the petitioner's land for the purpose of road widening; whether the land in question belongs to the petitioner; and whether the same was required to be acquired by the competent authority in accordance with law. The Collector shall examine all relevant documents, including maps and title deeds, and submit his report to this Court within four weeks, after carrying out formalities in Para 5 as stated therein.

7 Petition is disposed of accordingly.

 All concerned to act on the authenticated copy of this order.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.