

Sayali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1926 OF 2025

SAYALI
DEEPAK
UPASANI

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SAYALI DEEPAK
UPASANI
Date: 2025.03.10
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Sanjay Sakharam Gunjal and Others ...Petitioners

Versus

Project Director, National Highway
Authority of India and Others ...Respondents

Mr Shriram S. Kulkarni with Mr. Gaurav Ugalw with Mr.
Monish K. Vig with Ms. Prayal Khatanikar, for Petitioner.
Mr B. V. Samant, Addl. G.P with Ms. V.R. Raje, AGP for State.
Mr. Rakesh Singh i/b M.V. Kini and Co., for Respondent Nos. 1
and 7.

Mr. Ashutosh Mishra, for UOI.

Mr. Satish P. Aher, Dy. Sub-Divisional Engineer

Mr. Wadekar, Present.

CORAM: M.S. Sonak &
Jitendra Jain, JJ.

DATED: 07 MARCH 2025

PC:-

1. Leave is granted to implead National Highway Division, Nashik as Respondent No. 7.
2. Amendment to be carried out forthwith.
3. Re-verification is dispensed with.
4. Mr. Rakesh Singh waives service on behalf of the Respondent Nos. 1 and newly impleaded Respondent No. 7.

5. Mr. Rakesh Singh files an affidavit on behalf of Respondent No. 7, a copy of which has already been furnished to the learned Counsel for the Petitioners.

6. Reply filed by Respondent No. 7 is taken on record.

7. The grievance of the Petitioners in this Petition is that the Respondents are carrying on highway works in properties described in Exhibit-A at pg. No. 26 of the Petition in the village of Gunjalnagar, Taluka Deola, Dist. Nashik, without acquiring these properties or paying any compensation to the Petitioners.

8. Mr. Rakesh Singh, learned Counsel for the Respondent Nos. 1 and 7 states that Respondent No. 1 is not concerned with the stretch and on instructions of Respondent No. 7, Mr. Singh states that the Respondent No. 7 is not carrying out any works on the properties referred to in Exhibit-A to this Petition.

9. Mr. Singh states that Respondent No. 7 will be required to carry out certain highway works on the property bearing Gat No. 489, allegedly belonging to Jijabai Popatrao Patil in the future. For this, an acquisition proposal has already been forwarded. No sooner has the acquisition process is complete, works will be undertaken on this property.

10. Mr. Kulkarni states that despite the above statement, the Respondents may still carry out highway works in the Petitioners' properties. Now that a clear statement is made on

instructions that the Respondent No. 7 is not carrying out any works in the properties described in Exhibit-A and that the Respondent No. 7 will not carry out any works in the properties described under Exhibit-A unless such properties are duly acquired in accordance with law.

11. We see, no ground to entertain the apprehension now raised on behalf of the Petitioners. Besides, we would also like to note that in case there are any factual disputes, it will not be possible for us to go to investigate and decide upon the same when exercising our extraordinary jurisdiction under Article 226 of the Constitution of India. If there are disputed questions of fact regarding identity, ownership, etc., then such disputes cannot be adjudicated in the exercise of our extraordinary and summary jurisdiction. For this, the parties will have to possibly approach the Civil Court or before the appropriate forum and seek appropriate reliefs, if such reliefs are indeed due.

12. However, now, by accepting the statement of Mr. Singh, which is made based on instructions from the Respondent No. 7 and directing the Respondent No. 7 to act consistent with such statement, we dispose of this Petition.

(Jitendra Jain, J)

(M.S. Sonak, J)