

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

(54) WRIT PETITION NO.1931 OF 2025

Vitthal Yamaji Kandalkar & Ors.	..	Petitioners
<u>Versus</u>		
Project Director, National Highway Authority of India & Ors.	..	Respondents

WITH

(55) WRIT PETITION NO.1936 OF 2025

Tejas Dilip Ahirao & Ors.	..	Petitioners
<u>Versus</u>		
Project Director, National Highway Authority of India & Ors.	..	Respondents

(56) WRIT PETITION NO.1937 OF 2025

Sadhna Bhausahab Gunjal & Ors.	..	Petitioners
<u>Versus</u>		
Project Director, National Highway Authority of India & Ors.	..	Respondents

Mr. Shriram S. Kulkarni a/w Mr. Gaurav Ugale for the petitioners in all petitions.

Ms. S. R. Crasto, AGP for the respondent nos.2 to 5 in WP/1931/2025.

Mr. Aditya R. Deolekar, AGP for the respondent-State in WP/1937/2025.

Mr. Rakesh Singh a/w Ms. Heena Shaikh i/by M.V. Kini & Co. for respondent no.7 in all petitions.

Ms. V. R. Raje, AGP for the respondent-State in WP/1936/2025.

Mr. Ashutosh Mishra for the Union of India in all petitions.

CORAM	M.S. Sonak & Jitendra Jain, JJ.
DATED:	20 March 2025

PC :-

1. Heard learned counsel for the parties.
2. According to us, the order dated 7 March 2025 in Writ Petition No.1926 of 2025 will govern these petitions as well.
3. Learned counsel for the parties agreed that these petitions can be disposed of by common order by treating Writ Petition No.1937 of 2025 as the lead petition.
4. Mr. Kulkarni, however, states that the respondent should be directed to undertake to exercise demarcation. He also states that the respondents, notwithstanding their statements in the affidavit may try to carry out construction in the properties referred to Exhibit 'A' at page 25 of the petition. In our order dated 7 March 2025, while disposing the Writ Petition No.1926 of 2025, we have recorded Mr. Rakesh Singh's statement on behalf of the 7th respondent that the 7th respondent is not carrying out any works on the properties referred to Exhibit 'A' to the petition. This statement is reiterated by Mr. Rakesh Singh based on instructions from the Deputy Engineer who is present in the Court today.
5. This issue of demarcation or issue whether despite such a statement, works are still carried out on the properties at Exhibit 'A' cannot be gone into in the exercise of our summary and our extraordinary jurisdiction under Article 226 of the Constitution of India. Now that a clear statement is made, if there are still any dispute, it will be open to the petitioners to seek other remedies, including approaching the Civil Court for redressal of their alleged grievances. By accepting Mr. Singh's statement which is made based upon instructions and

directing the 7th respondent to act consistent with such statement, we dispose of such petitions.

6. Regarding rest of the grievances if it really arise or persist it would be open for the petitioners to avail of the alternate and appropriate remedies.

7. All the writ petitions are disposed of in above terms.

Jitendra Jain, J)

(M.S. Sonak, J)