

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

PUBLIC INTEREST LITIGATION NO.116 OF 2025

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Swapnil Nimbaji Aher

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

...

Mr. Vipul Dada Patil, Advocate for the Petitioner

Mr. O. A. Chandurkar, Additional Government
Pleader a/w. Mr. Saket Mone, 'B' Panel Counsel for
the Respondent-State.

...

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 19th NOVEMBER 2025

P.C. :

The petitioner who states that he is a resident of village Deola within Nashik District feels that National Highway-752-G passing through village Deola has not been properly structured and there is a need of road widening which passes through a population of 12,049 as per the census of 2011. The petitioner has made the following prayers in this public interest litigation:-

"a) That this Hon'ble Court be pleased to issue writ of Mandamus and/or any other appropriate writ and/or direction to the Respondent Nos. 1 to 3 to carry out physical measurement of said section 80+500 to 81+500=1 Km, the said section starts from Malwadi Phata to Deola Paanch Kandeel, under the supervision of District Collector, Superintendent of Land Records, Nashik and further submits its report to this Hon'ble Court, about the availability of land for the widening of the NH-752-G;

b) That this Hon'ble Court be pleased to issue writ of Mandamus and/or other writ thereby directing the Respondents to make an arrangement of footpath for pedestrians as per the standards of IRC and/or NHAI and further file its compliance report to this Hon'ble Court;

c) That this Hon'ble Court be pleased to issue a writ of Mandamus and/or any other writ thereby directing the Respondents to remove the encroachment (Exhibit-15) from the section 80+500 to 81+500=1 Km, of NH-752-G and further file its compliance report before this Hon'ble Court;

d) *Any other order/direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of present case."*

2. The petitioner states that the proposed construction of the national highway would not cater to the need of the people of village Deola and there would be serious traffic congestion problems. The petitioner has produced copies of newspaper reports and submits that even a provision for footpath has not been made and that would endanger the lives of the villagers. The petitioner refers to the decision in "*S. Rajaseekaran v. Union of India*" (2025) 2 SCC 579 and seeks a direction to the respondent-Authority to include the nearby available lands for road widening so that the people would have hassle free commutation.

3. In the first place, this Public Interest Litigation with such foundational facts cannot be treated as public interest litigation. The petitioner is not an aggrieved party who has suffered any injury. There is a respondent no.4 viz, B. R. Goyal Infrastructure Pvt. Ltd. but this Public Interest Litigation is completely silent regarding the presence of the respondent no.4 in the present proceedings. There is no prayer made *qua* the respondent no.4. This Public Interest Litigation goes one step further and seeks direction for removing the encroachments from section 80+500 to 81+500=1 Km of National Highway-752-G. Quite apparently, this Public Interest Litigation is misconceived and cannot be treated even as a Public Interest Litigation.

4. Public Interest Litigation No.116 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]