



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO. 5191 OF 2024

Vijay Ramrao Karadbhajane and anr. vs. State of Maharashtra and others.

With

WRIT PETITION NO. 5707 OF 2024

Vijay Ramrao Karadbhajane vs. State of Maharashtra and others.

With

WRIT PETITION NO. 5236 OF 2024

Sanjay Mulchand Gupta and others vs. State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A. V. Khare, Advocate for petitioners in all WPs.
Mr. S. M. Ukey, Additional Govt. Pleader for respondent nos. 1 and 2.
Mr. J.B. Kasat, Advocate for respondent no.3-VIDC in all WPs.
Mr. P. S. Wathore, Advocate for respondent nos. 4 and 5 in all WPs.

CORAM :- ANIL S. KILOR and RAJNISH R. VYAS, JJ.

DATE :- 3rd SEPTEMBER, 2025

P. C.

Heard learned counsel appearing for the parties.

2. It is the grievance of the petitioners that the respondent no.3 without following due process of law acquired certain portion of the land owned by the petitioners for rehabilitation.

3. In Writ Petition No.5191 of 2024 land Survey No.67 is in question. According to the petitioners, the land to the extent of 25R from aforesaid land Survey No.67 has been acquired by the respondent no.3 without following due process. It is further argued that no compensation is paid for acquiring the said land. It is further argued that from last five years, the respondent no.3 is in possession of the said land. It is argued that the respondent no.3 has not only removed the compound wall but also cut the trees standing on the said land and as such caused damage to the land of the petitioners.

4. In Writ Petition No. 5707 of 2024, land bearing Survey No.69 is in question and the allegations are, the land to the extent of 2R has been acquired by the respondent no.3 without following due process or paying any compensation. Similarly, in Writ Petition No. 5236 of 2024, the respondent no.3 has allegedly taken possession illegally of the land of the petitioners to the extent of 15R.

The petitioners are thus claiming compensation towards the acquisition made by the respondent no.3-VIDC.

5. In reply, the respondent no. 3 clarified the position and submitted that the original proposal for acquisition was of lands Survey Nos. 59, 60, 61/1, 62, 63, 64/1, 64/2 at Mouza-Badegaon. However, considering the objections raised by the adjoining land owners of Survey Nos. 62 and 63, re-measurement was carried out and a new map was prepared correcting the boundaries vide order passed by the Sub-Divisional Officer, Saoner, dated 20.10.2023. Thus, a categorical statement is made by the learned counsel for the respondent no.3 that not a single inch land of the petitioners is needed or the respondent no.3 is intended to acquire. It is further stated that even the respondent no.3 does not have any possession over the land owned by the petitioners because of reduction in the total area of the acquired land.

6. In that view of the matter and considering the statement made by the respondent no.3, nothing survives for adjudication in these writ petitions. However, at this stage, the learned counsel for the petitioners submits that because of cutting of trees and removal of compound wall, the petitioners have suffered damages.

7. The respondent no.3 disputes the aforesaid position.

8. In the circumstances, if any damage is caused to the petitioners, they may avail the appropriate remedy as permissible and available in law, claiming such damages.

9. With the aforesaid observations, the writ petition stands disposed of.
No order as to costs.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

Andurkar.