



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

10 WRIT PETITION NO. 6482 OF 2024

1. Jabbar Abdul Rahemanpatel
2. Sheikh Ismail Mahetaab Patel
3. Khairubee Gulam Rasul Patel
4. Shekh Harun Shekh Ushaman
5. Abdulkadar Mohamadjmal Shaikh
6. Kalabai Satyanarayan Kube
7. Naginbi Hakim Shaikh
8. Salimbai Shaikh Baba
9. Nurbi Abdul Raheman Patel
10. Gaffar Kureshi Bannu Kureshi
11. Vishnu Dagadu Kolhe
12. Trimbak Dagadu Kolhe

...PETITIONERS

VERSUS

1. The State Of Maharashtra
Through The Secretary
Public Works Department
Maharashtra Mantralaya Mumbai-32.
2. The Chief Executive Engineer
Public Works Department
Bnadhkam Bhawan, 2nd Floor,
Adalat Road, Aurangabad.
3. The Superintending Engineer
Public Works Circle, Jalna.
4. The Collector, Jalna
Collector Office, Jalna.
5. The Sub Divisional Officer,
Sub Division, Jalna, Dist. Jalna.

6. The Tahsildar Badnapur
Tahil Office, Badnapur
Dist. Jalna.

...RESPONDENTS

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Mr. Ramesh Imale, Advocate for the Petitioners
Mr. V.M. Kagne, AGP for Respondents-State

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 27th JANUARY, 2026

ORDER : [Per Hiten S. Venegavkar, J.]

1. The present petition filed under Article 226 of the Constitution of India seeks directions to the authorities not to take possession of petitioners' lands for the purpose of road widening without paying compensation and without following due process of law.

2. Petitioners state that petitioners who are resident of village Devgaon, Taluka Badnapur, Dist. Jalna are owners and possessors of their agricultural lands, through which there is existing road. It is the case of the petitioners that respondents/authorities are carrying out construction of road by widening the existing road and under the garb of widening of road, petitioners apprehend their lands through which the existing road is passing will be acquired by the authorities and used for the purpose of

widening without following due process of law or without paying any compensation to the petitioners under Land Acquisition Act, 2013.

3. Learned Advocate for the petitioners refers to the table which has been annexed to the petition namely Geometric Design For Curve. He relies upon the Entry No. 14 which mentions about extra widening of existing road. He submits that in accordance with the said document, it is clear that the road widening of the existing road is undertaken by the respondents, therefore, case of the petitioners is strengthen that if at all any widening of road has taken place, then firstly the petitioners lands should be acquired in accordance with law and therefore, compensation should be paid.

4. Learned AGP appearing for the respondents submits that petitioners have preferred Regular Civil Suit No. 225 of 2022 before the learned Civil Judge, Senior Division, Jalna and in the said civil suit, reply affidavit has been filed by respondents wherein it has been specifically mentioned by the authorities that existing road is being developed in accordance with Pradhan Mantri Gram Sadak Yojna and there is no widening of road. The authorities have specifically made a statement that there is no acquisition of any lands and therefore following the process under Land Acquisition Act, 2013 does not arise.

5. We are of the considered opinion that if the same cause has been raised by the petitioners by adopting the process of filing civil suit in the nature of seeking perpetual injunction against respondents/authorities then the existing prayer clause by which the petitioners are seeking restraining order against respondents from taking possession of the petitioners land for the purpose of same cause cannot be entertained under Article 226 of the Constitution of India.

6. The contention of petitioners seems to be only on the barge of their own personal assumption without there being any support of documentation and secondly, when the same cause is being agitated before the Civil Court, then in that case merely because of petitioners' assumption, writ jurisdiction cannot be invoked. As it is settled that there cannot be a presumption against the lawful authorities that they will not follow the process of law, the writ petition stands dismissed. No orders to to costs.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)