



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

923 WRIT PETITION NO.11136 OF 2024

Malhari Laxman Pimple and Others

..Petitioners

Versus

Union of India

Thr Secretary Ministry of Road and Others

..Respondents

.....

Adv. A. V. Jadhav for the Petitioners

Smt. V. S. Choudhari, AGP for the State.

Shri. R. D. Sanap, Advocate for Respondent Nos.1, 3 & 4

Shri. Sagar Varma a/w. Shri. Sagar Ladda, Advocate for Respondent
Nos.2, 5 and 6

.....

WITH

CIVIL APPLICATION NO. 3003 OF 2026

IN WP/11136/2024

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CORAM : N. B. SURYAWANSHI AND

VAISHALI PATIL – JADHAV, JJ.

Dated : MARCH 26, 2026

FINAL ORDER :-

. Learned Advocate for Respondent Nos.2, 5 and 6 submits that the Draft Award though is ready, is not published to the extent of Petitioners and the Petitioners are not paid compensation as this Court *vide* order dated 26.11.2024 has directed not to approve the Draft Award till next date. He further submits that the rest of the road construction of the project is going on, except to the extent of Petitioners' land. The Respondent Authorities are facing difficulties in completing the project because of the interim order passed by this Court.

2. Learned Advocate for the Petitioners submits that the Petitioners have already raised their objections before the Competent Authority and after considering their objections, final notification has been issued.

3. It is well settled that “the Court should not, by way of interim relief, stall infrastructure project”. The Hon’ble Apex Court in **N. G. Projects Limited vs. Vinod Kumar Jain and Others**, reported in **2022 SCC OnLine SC 336** has held as follows :

“21. Since the construction of road is an infrastructure project and keeping in view the intent of the legislature that infrastructure projects should not be stayed, the High Court would have been well advised to hold its hand to stay the construction of the infrastructure project. Such provision should be kept in view even by the writ court while exercising its jurisdiction under Article 226 of the Constitution of India.”

4. In view of the above, we hereby vacate the ad-interim direction granted *vide* order dated 26.11.2024, whereby the Respondents are directed not to approve the Draft Award.

5. In view of alternate efficacious remedy available to the Petitioners, the Petition is disposed of by granting liberty to Petitioners to avail alternate efficacious remedy of Arbitration.

6. In view of disposal of Writ Petition, nothing survives for consideration in the Civil Application and the same stands disposed of.

(VAISHALI PATIL-JADHAV, J.)

(N. B. SURYAWANSHI, J.)