

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 WRIT PETITION NO. 1389 OF 2026

Mohammad Sajid Irfan Md. Yusuf Khan

VERSUS

The State Of Maharashtra And Another

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Mr. J. M. Murkute - Advocate for the Petitioner

Mr. V. M. Kagne - AGP for State

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CORAM : SMT. VIBHA KANKANWADI
AND

HITEN S. VENEGAVKAR, JJ.

DATED : 09TH FEBRUARY, 2026

PER COURT : -

1. The present petition has been filed for the following reliefs:-

A. This Writ Petition may kindly be allowed.

B. The order/letter dated 19/08/2025 issued by the Commissioner Nanded-Waghala City Municipal Corporation Nanded may kindly be quashed and set aside.

C. The respondent No. 2 the Commissioner Nanded-Waghala City Municipal Corporation Nanded may kindly be directed to pay the compensation of affected construction under the Land Acquisition of Rs. 17,55,101/- with 25% increase thereon.

D. Pending hearing final disposal of this writ petitioner the respondent No. 22 the Commissioner Nanded-Waghala City Municipal Corporation Nanded may kindly be directed to pay the compensation of affected construction under the Land Acquisition of Rs. 17,55,101/- with 25% increase thereon.

E. Any other relief may kindly be granted in favour of the petitioner."

2. The Petitioner's immovable property, consisting of land and the structures standing thereon in Survey No. 162/A, *ad measuring*

114.75 sq. mtrs., was acquired for the proposed road from Degloor Naka to Maltekdi. It is stated that the acquisition was by way of private negotiations. The constructed portion *ad measuring* 37.16 sq. mtrs. was acquired by Respondent No. 2. A Tabā Pawati was prepared between 25.05.2011 and 14.06.2011 in respect of the affected construction of the Petitioner. The valuation was carried out by the Deputy Engineer, Nanded-Waghala Municipal Corporation, and a certificate was issued to that effect. The total compensation was determined at Rs. 17,55,101/-. However, the said amount has not been paid. A communication dated 19.08.2025 has now been issued by Respondent No. 2 stating that the structure was unauthorized and, therefore, the Petitioner is not entitled to compensation.

3. Upon this Court expressing disinclination to grant relief in view of the disputed questions of fact, the learned Advocate for the Petitioner seeks liberty to withdraw the Petition to avail an appropriate legal remedy.

4. In view of the said statement, the Petition stands disposed of with liberty as prayed for.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE