



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

WRIT PETITION NO. 1593 OF 2026

Vivekanand Khanderao Lavate And Others

VERSUS

The State Of Maharashtra And Others

Mr. S. B. Choudhari, Advocate for petitioners

Mr. V. M. Kagne, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 10th April, 2026

PER COURT :-

1. Present petition has been filed for following reliefs :-

B. By issuing Writ of Mandamus or any other appropriate Writ or Directions in the like nature, the Respondents may kindly be directed to remove the encroachment over the National Highway No. 752K within the limits of village Vadval (Nagnath), Tal. Chakur, Dist. Latur.

C. By issuing Writ of mandamus or any other appropriate Writ or Directions in the like nature, the Respondents may kindly be directed to complete the work of National Highway No. 752K within the limits of village Vadval (Nagnath), Tal. Chakur, Dist. Latur as per sanctioned width of 18 Mtrs.

2. Heard learned Advocate for the petitioners.

3. Learned AGP waives notice for respondent Nos. 1 to 3, 5 and 6. No necessity to issue notice to the other respondents.

4. Learned Advocate for the petitioner has taken us through the documents and submits that the petitioners were repeatedly making representations to the respondents for the removal of encroachment over the National Highway No. 752K. It is resulting in hardship to the road and traffic. The work of National Highway No. 752K from Kopra to Gharole is in progress since last one year. The sanctioned width of the road is 18 Mtrs (60 Feet). The national highway passes through Vadval which is one of the market place in Chakur Taluka, Dist. Latur. The petitioners have stated that the National Highway is encroached by villagers and there is no road available as per the sanctioned width. The respondent National Highway Authority is likely to complete the road without maintaining appropriate width of the road which has prompted them to approach this Court.

5. In view of the hearing that took place on the last occasion, the petitioner today has submitted documents, whereby on 10.07.2018, the said road was declared as National Highway. The learned Advocate for the petitioners relies on the communication of respondent No. 4 to the petitioners dated 26.01.2025 wherein it is stated that the construction of national highway is undertaken and as per the sanctioned sketch, the width of tar road is 12 Mtrs and as per the Grampanchayat Vadval (Nagnath), the construction of the road between Chhatrapati

Shivaji Maharaj Chowk to Mahatma Basveshwar Chowk is in progress with the width of 60 feet. As regards the other part of the road, if the road is made available by the Grampanchayat then it would be constructed in that way. The learned Advocate for the petitioner and the petitioners are interpreting this letter as hurdle and intention that the highway authority will not carry out the construction work of the road as per letter that is with the mandatory width.

6. Here, it is to be noted that the petitioners have come with some misconception when they used word 'encroachment'. The encroachment can be said to be committed on the existing premises or land, then it is presumed that such road is already in existence. Now, if it was not already in existence and after the declaration of the said road as national highway, if width is required to be increased, then the respondent No. 4 is bound to take up the legal procedure i.e., may go for the acquisition of the lands going to be affected. Upon the query, learned Advocate for the petitioners submits that none of the petitioner is going to get affected because of the road. In other words, the land or piece of land owned by the petitioners is not going to be affected because of the construction of the said highway. Now, when the construction is still in progress, there cannot be an anticipation that it will not be completed without following due procedure of law. It appears that the petition is

premature with misconception in respect of the word 'encroachment'.
Therefore, it is not a fit case where we should exercise our powers under
article 226 of the Constitution of India.

7. Hence, writ petition stands dismissed.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi