

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

WRIT PETITION NO. 4717 OF 2019

1. Syed Salim S/o Syed Jakir,
Age : 44 years, Occu. : Agri.,
R/o Badnapur, Tq. Badnapur,
Dist. Jalna.
2. Syed Naser S/o Syed Jakir,
Age : 36 years, Occu. : Agri.,
R/o Badnapur, Tq. Badnapur,
Dist. Jalna.
3. Syed Shakir S/o Syed, Jakir,
Age : 32 years, Occu. : Agri.,
R/o Badnapur, Tq. Badnapur,
Dist. Jalna.
4. Syed Saber S/o Syed Jakir,
Age : 30 years, Occu. : Agri.,
R/o Badnapur, Tq. Badnapur,
Dist. Jalna.
5. Saminabi W/o Syed Salim,
Age : 36 years, Occu. : Agri. & H.H.,
R/o Ambadgaon, Tq. Badnapur,
Dist. Jalna.
6. Syed Rafiq S/o Syed Jafar,
Age : 52 Years, Occu. : Agril.,
R/o Ambadgaon, Tq. Badnapur,
Dist. Jalna.
7. Syed Wajid S/o Syed Tahier,
Age : 27 Years, Occu. : Agril.,
R/o Roshangaon, Tq. Badnapur,
Dist. Jalna.
08. Abdul Samad S/o Abdul Rahim,

Age : 38 Years, Occu. : Agril.,
R/o Roshangaon, Tq. Badnapur,
Dist. Jalna.

09. Kailas S/o Vithoba Dabhade,
Age : 38 Years, Occu. : Agril.,
R/o Roshangaon, Tq. Badnapur,
Dist. Jalna.
10. Kamalbai W/o Ramesh Dabhade,
Age : 58 Years, Occu. : Agril.,
R/o Roshangaon, Tq. Badnapur,
Dist. Jalna.
11. Shantilal S/o Natha Kharat,
Age : 62 Years, Occu. : Agril.,
R/o Roshangaon, Tq. Badnapur,
Dist. Jalna.
12. Panjabrao S/o Rangrao Chavan,
Age : 68 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
13. Dadarao S/o Bhaurao Chavan,
Age : 65 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
14. Sanjay S/o Dadarao Chavan,
Age : 35 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
15. Bharat S/o Anandrao Chavan,
Age : 42 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
16. Satish S/o Gulabrao Chavan,
Age : 55 Years, Occu. : Agril.,

R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.

17. Baban S/o Sheshrao Chavan,
Age : 54 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
18. Pandit S/o Jagannath Chavan,
Age : 56 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
19. Kalyan S/o Jagannath Chavan,
Age : 52 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
20. Bhausahab S/o ambadas Chavan,
Age : 52 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
21. Narayan S/o Sarjerao Chavan,
Age : 53 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
22. Ishwar S/o Avdhut Chavan,
Age : 54 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
23. Vikas S/o Avdhutrao Chavan,
Age : 54 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
24. Ganesh S/o Kacharu Chavan,
Age : 65 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,

Dist. Jalna.

25. Shaikh Rashid S/o Shaikh Amir,
Age : 60 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
26. Shaikh Nazir S/o Shaikh Rashid,
Age : 35 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
27. Sayarabi S/o Shaikh Akbar,
Age : 50Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
28. Shaikh Shabir S/o Shaikh Rashid,
Age : 25 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
29. Sultanbi S/o Shaikh Jahur,
Age : 50 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
30. Shaikh Nabab S/o. Shaikh Rashid,
Age : 40 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
31. Rajaram S/o. Jayvanta Kasab,
Age : 65 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
32. Nivrutti S/o. Ramrao Chavan,
Age : 70 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.

33. Rameshwar S/o. Manikrao Chavan,
Age : 56 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
34. Santosh S/o. Digambar Chavan,
Age : 46 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
35. Ratan S/o. Limbaji Kasabe,
Age : 60 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
36. Bhimrao S/o. Keshavrao Yekhande,
Age : 59 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.
37. Kusumbai S/o. Manik Mirase,
Age : 65 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna, At Present R/o. Badapur,
Tq. Ambad, Dist. Jalna.
38. Baburao S/o. Vinayakrao Chavan,
Age : 55 Years, Occu. : Agril.,
R/o Nanegaon, Tq. Badnapur,
Dist. Jalna.

.. Petitioners

Versus

1. The State of Maharashtra,
Secretary, Public Works Department,
Mantrayalay, Mumbai-32.
2. The Chief Engineer,
Public Work Regional Department,
Dist. Aurangabad.

3. The Collector,
The Collector Office,
Aurangabad.
 4. Sub-Divisional Officer,
Sub-Division, Jalna.
 5. The Tahsildar,
Tahsil Office, Badnapur.
 6. The Superintending Engineer,
Public Works Circle,
Bandhkam Bhavan, Adalat Road,
Aurangabad-431001.
 7. The Executive Engineer,
World Bank Project Division,
Bandhkam Bhavan, Adalat Road,
Aurangabad-431001.
 8. MCGN Infra Pvt. Ltd. (Joint Venture)
Through its Authorized Officer,
5-5-29, Kranti Chowk,
Aurangabad-431001.
- .. Respondents

Shri Sambhaji S. Tope, Advocate for Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 7.

Shri S. B. Ghatol Patil, Advocate for the Respondent No. 8.

**WITH
WRIT PETITION NO. 1480 OF 2019**

1. Sambhaji S/o Pralhadrao Tanpure,
Age : 48 Years, Occu. : Agril. & Service,
R/o Rohanwadi, Tq. Jalna,
Dist. Jalna,
2. Savita W/o Sambhaji Tanpure,
Age : 40 years, Occu. : Agril. & H.H.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.

3. Vitthal S/o Dadabhau Tanpure,
Age : 35 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
4. Kaluba S/o Appaji Balraj,
Age : 70 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
5. Damodar S/o Kondiba Balraj,
Age : 55 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
6. Kachru S/o Bapu Balraj,
Age : 55 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
7. Sonabai W/o Wamanrao Balraj,
Age : 65 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
8. Vitthal S/o Kaduba Kute,
Age : 50 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
9. Bhanudas S/o Laddoji Balraj,
Age : 60 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
10. Annasaheb S/o Nanabhau Balraj,
Age : 48 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
11. Kalyanrao S/o Ramrao Tanpure,
Age : 58 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
12. Suraj S/o Dineshrao Pawar,
Age : 35 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.

13. Krushna S/o Machindra Balraj,
Age : 30 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
14. Chagan S/o Waman Balraj,
Age : 40 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
15. Dnyandeo S/o Laddoji Balraj,
Age : 60 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
16. Sarsabai W/o Suryabhan Balraj,
Age : 65 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
17. Dinesh S/o Daultrao Pawar,
Age : 56 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna.
18. Nanabhau S/o Kondiba Balraj,
Age : 65 Years, Occu. : Agril.,
R/o Rohanwadi, Tq. Jalna, Dist. Jalna. .. Petitioners

Versus

1. The State of Maharashtra,
Secretary, Public Works Department,
Mantrayalay, Mumbai-32.
2. The Chief Engineer,
Public Work Regional Department,
Dist. Aurangabad.
3. The Collector, Jalna
Collector Office, Jalna.
4. The Superintending Engineer,
Public Works Circle,
Bandhkam Bhavan, Adalat Road,
Aurangabad-431001.

5. The Executive Engineer,
World Bank Project Division,
Bandhkam Bhavan, Adalat Road,
Aurangabad-431001.
 6. The Tahsildar,
Tahsil Office, Jalna.
 7. Kalyan Toll Infrastructure Ltd.,
Through its Authorized Officer,
19, Kalyan House, Govind Nagar,
Opposite Mariya Hospital,
Railway Station Road,
Aurangabad.
- .. Respondents

Shri Sambhaji S. Tope, Advocate for Petitioners.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.
Shri S. S. Patil, Advocate for the Respondent No. 7.

**WITH
WRIT PETITION NO. 2125 OF 2019**

1. Rameshwar s/o Kisanrao Pawar,
Age: 47 Years, Occu: Agri and Service,
R/o: Nalgalli, Kadrabad, Jalna,
Dist: Jalna.
2. Rajendra s/o Vasantrao Chavhan,
Age: 59 Years, Occu: Agri and Household,
R/o: MRDA School Rohanwadi road, Tq; Jalna,
Dist: Jalna.
3. Abhijit s/o Radhakrushan Chavhan,
Age: 39 Years, Occu: Agri,
R/o: Mayur Printers Chaman, Tq: Jalna,
Dist: Jalna.
4. Sau. Sandhyrani w/o Radhakrushan Chavhan,
Age: 61 Years, Occu: Agri,
R/o: Mayur Printers Chaman, Tq: Jalna,

Dist: Jalna.

5. Radhakrushan s/o Bhimrao Chavhan,
Age: 76 Years, Occu: Agri,
R/o: Mayur Printers Chaman, Tq: Jalna,
Dist: Jalna.
6. Uasha s/o Suresh Gundale,
Age: 41 Years, Occu: Agri,
R/o: Nalgalli, Kadrabad, Jalna,
Dist: Jalna.
7. Sanjivani s/o Kailas Gundale,
Age: 47 Years, Occu: Agri,
R/o: Nalgalli, Kadrabad, Jalna,
Dist: Jalna.
8. Shakuntla s/o Omprakash Gundale,
Age: 52 Years, Occu: Agri,
R/o: Nalgalli, Kadrabad, Jalna,
Dist: Jalna.
9. Gopichand s/o Bapurao Maind,
Age: 61 Years, Occu: Agri,
R/o: Sel Nagar, Rohanwadi, Tq: Jalna,
Dist: Jalna.
10. Kailas s/o Ramkisan Maind,
Age: 36 Years, Occu: Agri,
R/o: Sel Nagar, Rohanwadi, Tq: Jalna,
Dist: Jalna.
11. Prakash s/o Kisanrao Pawar,
Age: 45 Years, Occu: Agri,
R/o: Nalgalli, Kadrabad, Jalna,
Dist: Jalna.
12. Dnyaneshwar s/o Kisanrao Pawar,
Age: 39 Years, Occu: Agri,
R/o: Nalgalli, Kadrabad, Jalna,
Dist: Jalna.

13. Ashok s/o Mithuappa Khatade,
Age: 52 Years, Occu: Agri,
R/o: Gandhinagar, Tq: Jalna,
Dist: Jalna.
14. Amitabh s/o Radhakushan Chavhan,
Age: 42 Years, Occu: Agri,
R/o: Mayur Printers Chaman, Tq: Jalna,
Dist: Jalna.
15. Radhakrushan s/o Bhimrao Chavhan,
Age: 76 Years, Occu: Agri,
R/o: Mayur Printers Chaman, Tq: Jalna,
Dist: Jalna.
16. Ashok s/o Jayajirao Dhanure,
Age: 40 Years, Occu: Agri,
R/o: Gudlagali, Kadrabad, Jalna,
Dist: Jalna.
17. Pratik s/o Parmeshwar Dhanure,
Age: 21 Years, Occu: Agri,
R/o: Gudlagali, Kadrabad, Jalna,
Dist: Jalna.
18. Sanket s/o Parmeshwar Dhanure,
Age: 20 Years, Occu: Agri,
R/o: Gudlagali, Kadrabad, Jalna,
Dist: Jalna.
19. Sau. Sunita w/o Rajkumar Runwal,
Age: 50 Years, Occu: Agri,
R/o: Sarojnidewi Road, Tq. Jalna,
Dist: Jalna.
20. Shankar s/o Kondiba Balraj,
Age: 65 Years, Occu: Agri,
R/o: Rohanwadi, Tq.: Jalna,
Dist: Jalna.

.. Petitioners

Versus

1. The State of Maharashtra,
Secretary, Public Works Department,
Mantralaya, Mumbai-32.
2. The Chief Engineer,
Public Works Regional Department,
Aurangabad.
3. The Collector, Jalna,
Collector Office, Jalna.
4. The Superintending Engineer,
Public Works Circle,
Bandhkam Bhavan, Adalat Road,
Aurangabad-431001.
5. The Executive Engineer,
World Bank Project Division,
Bandhkam Bhavan, Adalat Road,
Aurangabad-431001.
6. The Tahsildar,
Tahsil Office, Jalna.
7. Kalyan Toll Infrastructure, Ltd.
Through its Authorized Officer,
19, Kalyan House, Govind Nagar,
Opposite Mariya Hospital,
Railway Station Road, Aurangabad. .. Respondents

Shri Sambhaji S. Tope, Advocate for Petitioners.
 Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.
 Shri S. S. Patil, Advocate for the Respondent No. 7.

**WITH
WRIT PETITION NO. 3058 OF 2019**

1. Machhindra Jija Shinde,
Age: 60 Years, Occu: Agril.

2. Kachru Ananda Aar,
Age: 55 years, Occ: Agril.

Both R/o. Mangrul,
Tq. & Dist. Aurangabad.

.. Petitioners

Versus

1. The State of Maharashtra,
Secretary, Public Works Department,
Mantralaya, Mumbai-32.
2. The Collector,
Collector Office, Aurangabad.
3. The Executive Engineer,
Public Works Department,
Padampura, Aurangabad.

.. Respondents

Shri N. J. Pahune Patil, Advocate for Petitioners.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3.

**WITH
WRIT PETITION NO. 3232 OF 2019**

1. Vinay s/o Deepakrao Bhumre,
Age: 30 Years, Occu: Agril.,
2. Atul s/o nandkumar shelke,
Age: 33 Years, Occu: Agril.,
3. Ganesh Rangnathrao Bhumre,
Age: 28 Years, Occu: Agril.,
4. Dhananjay s/o Nandkumar Shelke,
Age: 28 Years, Occu: Agril.,
5. Raju s/o Janardhan Bhumre,
Age: 48 Years, Occu: Agril.,
6. Umesh s/o Bhausahab Bhumre,

Age: 45 Years, Occu: Agril.,

7. Sahebrao s/o Manikrao Bhumre,
Age: 60 Years, Occu: Agril.,
8. Mankarnabai w/o Laxmanrao Bhumre,
Age: 60 Years, Occu: Household.,
9. Appasaheb s/o Ramrao Bhumre,
Age: 33 Years, Occu: Agril.,
10. Ajit s/o Ramrao Bhumre,
Age: 38 Years, Occu: Agril.,
11. Vijay s/o Deepakrao Bhumre,
Age: 35 Years, Occu: Agril.,
12. Ankushrao s/o Baburao Bhumre,
Age: 54 Years, Occu: Agril.,
13. Lahu s/o Baburao Bhumre,
Age: 52 Years, Occu: Agril.,
14. Mayur s/o Ankushrao Bhumre,
Age: 28 Years, Occu: Agril.,
15. Krushna s/o Lahu Bhumre,
Age: 26 Years, Occu: Agril.,
16. Padmabai w/o Ramlal Pande,
Age: 75 Years, Occu: Household.,
17. Alim Chand Shaikh,
Age: 55 Years, Occu: Agril.,

All R/o. Pachod, Tq. Paithan,
Dist. Aurangabad.

.. Petitioners

Versus

1. The State of Maharashtra,

Secretary, Public Works Department,
Mantralaya, Mumbai-32.

2. The Chief Engineer,
Public Works Regional Department,
Aurangabad.
3. The Collector, Aurangabad,
Collector Office, Aurangabad.
4. The Superintending Engineer,
Public Works Circle,
Bandhkam Bhavan, Adalat Road,
Aurangabad.
5. The Executive Engineer,
World Bank Project Division,
Bandhkam Bhavan, Adalat Road,
Aurangabad.
6. The Sub Divisional Officer,
Aurangabad, Dist. Aurangabad.
7. Kalyan Toll Infrastructure, Ltd.
Through its Authorized Officer,
19, Kalyan House, Govind Nagar,
Opposite Mariya Hospital,
Railway Station Road, Aurangabad. .. Respondents

Shri P. P. More, Advocate for Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3 and 6.

Shri S. S. Patil, Advocate for the Respondent No. 4.

WITH
WRIT PETITION NO. 4987 OF 2019

1. Baburao s/o Bapurao Vitore,
Age: 60 Years, Occu: Agri,
R/o: Sambhaji Nagar, Jalna,
Dist: Jalna.

2. Pandurang s/o Bapurao Vitore,
Age: 52 Years, Occu: Agri,
R/o: Mu: Badapur, Po. Nanegaon,
Tq. Ambad, Dist: Jalna.
3. Ramesh s/o Pandurang Vitore,
Age: 34 Years, Occu: Agri,
R/o: Mu: Badapur, Po. Nanegaon,
Tq. Ambad, Dist: Jalna.
4. Prakash s/o Suryabhan Bunge,
Age: 46 Years, Occu: Agri,
R/o: at. Lonar Bhaigaon, Po. Chikangaon,
Tq. Ambad, Dist: Jalna.
5. Rajendra s/o Rambhau Labde,
Age: 38 Years, Occu: Agri,
R/o: at. Lonar Bhaigaon,
Dist: Jalna.
6. Ankush s/o Bandu Labde,
Age: 56 Years, Occu: Agri,
R/o: at. Lonar Bhaigaon,
Tq. Ambad, Dist: Jalna.
7. Babu s/o Tukarama Labde,
Age: 74 Years, Occu: Agri,
R/o: at. Antarwala, Po. Soigaon,
Tq. Ambad, Dist: Jalna.
8. Sunita Sundarrao Bunge,
Age: 41 Years, Occu: Agri,
R/o: at. Lonar Bhaigaon, Po. Chikangaon,
Tq. Ambad, Dist: Jalna.
9. Sunita Bappasaheb Ekhande,
Age: 41 Years, Occu: Agri,
R/o: at. Badapur, Po. Nanegaon,
Tq. Ambad, Dist: Jalna.
10. Ramesh s/o Kisan Wagh,

Age: 60 Years, Occu: Agri,
R/o: at. Badapur, Po. Nanegaon,
Tq. Ambad, Dist: Jalna.

11. Govind s/o Anandrao Bunge,
Age: 44 Years, Occu: Agri,
R/o: at. Lonar Bhaigaon,
Tq. Ambad, Dist: Jalna.

12. Shriram s/o Anandrao Bunge,
Age: 46 Years, Occu: Agri,
R/o: at Lonar Bhaigaon,
Tq. Ambad, Dist: Jalna.

.. Petitioners

Versus

1. The State of Maharashtra,
Secretary, Public Works Department,
Mantralaya, Mumbai-32.

2. The Chief Engineer,
Public Works Regional Department,
Aurangabad.

3. The Collector, Jalna,
Collector Office, Jalna.

4. The Superintending Engineer,
Public Works Circle,
Bandhkam Bhavan, Adalat Road,
Aurangabad-431001.

5. The Executive Engineer,
World Bank Project Division,
Bandhkam Bhavan, Adalat Road,
Aurangabad-431001.

6. The Tahsildar,
Tahsil Office, Ambad.

7. Sub Division Office,

Tq. Ambad, Dist. Jalna.

8. Gurunanak Infra (MCGN INFRA PVT. LTD.)
Through its Authorized Officer,
5-5-29, Kranti Chowk, Aurangabad. .. Respondents

Shri Abhijeet T. Witore, Advocate for Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 7.

Shri S. B. Ghatol Patil, Advocate for the Respondent No. 8.

**WITH
WRIT PETITION NO. 5119 OF 2019**

1. Appasaheb s/o Ramrao Sherkar,
Age: 44 Years, Occu: Agril.,
2. Pushpa w/o Eknath Sherkar,
Age: 38 Years, Occu: Household,
3. Ashok s/o Panditrao Nirmal,
Age: 41 Years, Occu: Agril.,
4. Vishwambhar s/o Sahebrao Nirmal,
Age: 43 Years, Occu: Agril.,
5. Gangadhar s/o Madhukarrao Nirmal,
Age: 60 Years, Occu: Agril.,
6. Rekha w/o Shahadev Kardile,
Age: 43 Years, Occu: Household,
7. Manglabai w/o Sarjerao Kardile,
Age: 57 Years, Occu: Household,
8. Ganesh s/o Dashrath Shendge,
Age: 55 Years, Occu: Household,

All R/o Pachod, Tq. Paithan,
Dist. Aurangabad.

.. Petitioners

Versus

1. The State of Maharashtra,
Secretary, Public Works Department,
Mantralaya, Mumbai-32.
2. The Chief Engineer,
Public Works Regional Department,
Aurangabad.
3. The Collector, Aurangabad,
Collector Office, Aurangabad.
4. The Superintending Engineer,
Public Works Circle,
Bandhkam Bhavan, Adalat Road,
Aurangabad.
5. The Executive Engineer,
World Bank Project Division,
Bandhkam Bhavan, Adalat Road,
Aurangabad.
6. The Sub Divisional Officer,
Aurangabad, Dist. Aurangabad.
7. Kalyan Toll Infrastructure, Ltd.
Through its Authorized Officer,
19, Kalyan House, Govind Nagar,
Opposite Mariya Hospital,
Railway Station Road, Aurangabad. .. Respondents

Shri P. P. More, Advocate for Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.

Shri S. S. Patil, Advocate for the Respondent No. 7.

**WITH
WRIT PETITION NO. 5188 OF 2019**

1. Manohar s/o Gangahdar Ghayal,
Age: 44 Years, Occu: Agril.,

2. Rambhau s/o Sakharam Ghayal,
Age: 69 Years, Occu: Agril.,
3. Santosh s/o Radhakisan Ghayal,
Age: 36 Years, Occu: Agril.,

All R/o Limgaon, Tq. Paithan
Dist. Aurangabad.

.. Petitioners

Versus

1. The State of Maharashtra,
Secretary, Public Works Department,
Mantralaya, Mumbai-32.
2. The Chief Engineer,
Public Works Regional Department,
Aurangabad.
3. The Collector, Aurangabad,
Collector Office, Aurangabad.
4. The Superintending Engineer,
Public Works Circle,
Bandhkam Bhavan, Adalat Road,
Aurangabad.
5. The Executive Engineer,
World Bank Project Division,
Bandhkam Bhavan, Adalat Road,
Aurangabad.
6. The Sub Divisional Officer,
Aurangabad, Dist. Aurangabad.
7. Kalyan Toll Infrastructure, Ltd.
Through its Authorized Officer,
19, Kalyan House, Govind Nagar,
Opposite Mariya Hospital,
Railway Station Road, Aurangabad.

.. Respondents

Shri P. P. More, Advocate for Petitioners.
 Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.
 Shri S. S. Patil, Advocate for the Respondent No. 7.

**WITH
 WRIT PETITION NO. 7732 OF 2019**

1. Sheshnarayan s/o Dvarkadas Hud,
 Age: 55 Years, Occu. Agri,
 R/o. At. Post. Padali, Tq. Paithan,
 Dist. Aurangabad.
2. Narayan s/o Asaram Hud,
 Age: Major, Occu: Agri,
 R/o. At. Post. Padali, Tq. Paithan,
 Dist. Aurangabad. .. Petitioners

Versus

1. The State of Maharashtra,
 Secretary, Public Works Department,
 Mantralaya, Mumbai-32.
2. The Chief Engineer,
 Public Works Regional Department,
 Aurangabad.
3. Executive Engineer,
 Public Works Department,
 Aurangabad.
4. The Collector,
 The Collector Office,
 Aurangabad.
5. Divisional Commissioner,
 Divisional Commissioner Office,
 Aurangabad.
6. The Sub Divisional Officer,
 The Tahasil Office,

Paithan.

.. Respondents

Shri Ananta R. Magar, Advocate for Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.

**WITH
WRIT PETITION NO. 7735 OF 2019**

1. Badrinath s/o Baba Bhavar,
Age: Major, Occu: Agri,
R/o. At. Post. Shekta, Tq. Paithan,
Dist. Aurangabad.
2. Bhausahab S/o Asaram Kalsakar,
Age: Major, Occu: Agri,
R/o. At. Post. Shekta, Tq. Paithan,
Dist. Aurangabad.
3. Annasaheb s/o Bhausahab Bhavar,
Age: Major, Occu: Agri,
R/o. At. Post. Shekta, Tq. Paithan,
Dist. Aurangabad.
4. Dada s/o Bhanudas Bhavar,
Age: Major, Occu: Agri,
R/o. At. Post. Shekta, Tq. Paithan,
Dist. Aurangabad.
5. Janardhan s/o Natha Agaj,
Age: Major, Occu: Agri,
R/o. At. Post, Gidhada, Tq. Paithan,
Dist. Aurangabad.
6. Kishor s/o Janardhan Agaj,
Age: Major, Occu: Agri,
R/o. At. Post, Gidhada, Tq. Paithan,
Dist. Aurangabad.
7. Kiran s/o Janardhan Agaj,
Age: Major, Occu: Agri,
R/o. At. Post, Gidhada, Tq. Paithan,

Dist. Aurangabad.

8. Santosh s/o Shridhar Vyavhare,
Age: Major, Occu: Agri,
R/o. At. Post, Gidhada, Tq. Paithan,
Dist. Aurangabad.
9. Ambadas s/o Shivaji Gunjal,
Age: Major, Occu: Agri,
R/o. At. Post, Gidhada, Tq. Paithan,
Dist. Aurangabad.
10. Ajay s/o Kumar Pushti,
Age: Major, Occu: Agri,
R/o. At. Post, Gidhada, Tq. Paithan,
Dist. Aurangabad.

.. Petitioners

Versus

1. The State of Maharashtra,
Secretary, Public Works Department,
Mantralaya, Mumbai-32.
2. The Chief Engineer,
Public Works Regional Department,
Aurangabad.
5. World Bank Project Department,
Executive Engineer
Public Works Department,
Aurangabad.
4. The Collector,
The Collector Office,
Aurangabad.
5. Divisional Commissioner,
Divisional Commissioner Office,
Aurangabad.
6. The Sub Divisional Officer,

The Tahasil Office, Paithan.

.. Respondents

Shri Ananta R. Magar, Advocate for Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.

**WITH
WRIT PETITION NO. 7849 OF 2019**

1. Vitthal S/o Mainaji Divate,
Age : 28 Years, Occu. : Agril.,
2. Mandabai W/o Dashrath Paitare,
Age : 50 years, Occu. : Agril.,
3. Prakash S/o Dhondiba Bhojane,
Age : 45 Years, Occu. : Agril.,
4. Deubai W/o Dhondiba Bhojane,
Age : 65 Years, Occu. : Agril.,
5. Narayan S/o Sakharam Kalwane,
Age : 28 years, Occu. : Agril.,
6. Tulsiram S/o Umaji Bombale,
Age : 54 years, Occu. : Agril.,
7. Shivaji S/o Umaji Bombale,
Age : 60 years, Occu. : Agril.,
8. Kishor S/o Laxman Tarde,
Age : 30 Years, Occu. : Agril.,
9. Abasaheb S/o Kondiram Tarde,
Age : 35 years, Occu. : Agril.,
10. Tukaram S/o Asaram Bhojane,
Age : 61 years, Occu. : Agril.,
11. Bhagubai W/o Thamaji Shelake,
Age : 70 Years, Occu. : Agril.,

12. Tulsiram S/o Tukaram Taksal,
Age : 32 years Occu. : Agril.,
13. Hanuman S/o Sakharam Kalwane,
Age : 36 years, Occu. : Agril.,
14. Dinesh S/o Pandharinath Wagh,
Age : 32 years, Occu. : Agril.,
15. Babanbai W/o Vitthal Gunjal,
Age : 35 years, Occu. : Agril.,
16. Vishnu S/o Jayaji Divte,
Age : 42 Years, Occu. : Agril.,
All R/o Kingaon, Tq. Ambad,
Dist. Jalna.
17. Gokul S/o Rampratap Murhade,
Age : 38 Years, Occu. : Agril.,
18. Ganesh S/o Rampratap Murhade,
Age : 32 Years, Occu. : Agril.,
19. Ramdal S/o Suppadsing Khode,
Age : 38 Years, Occu. : Agril.,
20. Suppadsing S/o Dhondiram Khode,
Age : 70 Years, Occu. : Agril.,
21. Dhanpal S/o Mardan Meval,
Age : 18 years, Occu. : Agril.,
22. Mansing S/o Harsing Murhade,
Age : 65 Years, Occu. : Agril.,
23. Sardar S/o Dhavaliram Meval,
Age : 50 years, Occu. : Agril.,
24. Navasabai W/o Devchand Dahingal,
Age ; 65 Years, Occu. : Agril.,

25. Narayan S/o Bhimsing Barwal,
Age : 22 years, Occu. : Agril.,
26. Ramprasad S/o Bhimsing Barwal,
Age : 20 years, Occu. : Agril.,
27. Gorakhnath S/o Dhavaliram Meval,
Age : 65 Years, Occu. : Agril.,
28. Gokul S/o Ramchandra Khode,
Age : 32 Years, Occu. : Agril.,
29. Mangalabai W/o Ramprasad Lalchote,
Age : 45 Years, Occu. : Agril.,
30. Subhash S/o Ramkisan Barwal,
Age : 40 years, Occu. : Agril.,
31. Dhansing S/o Rodaman Bainade,
Age : 54 years, Occu. : Agril.,
32. Ramdhan S/o Girjaram Barwal,
Age : 54 Years, Occu. : Agril.
33. Shriram S/o Dhavaliram Meval,
Age : 45 Years, Occu. : Agril.,
34. Koushalyabai W/o Punamchand Lalchote,
Age : 40 Years, Occu. : Agril.,
35. Akash S/o Dharamsing Ghunawat,
Age : 20 years, Occu. : Agril.,
36. Prakash S/o Dharamsing Ghunawat,
Age : 18 Years, Occu. : Agril.,
37. Chainsing S/o Kacharu Naglot,
Age : 50 years, Occu. : Agril.,
38. Gopal S/o Jadu Rajarwal,
Age : 30 years, Occu. : Agril.,

39. Narayan S/o Jadusing Rajarwal,
Age : 22 Years, Occu. : Agril.,
40. Dasodabai S/o Himmatsing Rajarwal,
Age : Major Years, Occu. : Agril.,
41. Govind S/o Jadusing Rajarwal,
Age : Major Years, Occu. : Agril.,
42. Bhavlal S/o Devchand Jarhade,
Age : 32 Years, Occu. : Agril.,
43. Madan S/o Bajrang Chandwade,
Age : Major Years, Occu. : Agril.,
44. Jagdish S/o Ramprasad Lalchote,
Age : 29 years, Occu. Agril.,
45. Narayan S/o Gorakh Meval,
Age : 20 years, Occu. : Agril.,
46. Rameshwar S/o Ramprasad Lalchote,
Age : 25 years, Occu. : Agril.,
47. Dhanabai W/o Mansing Naglot,
Age : 59 Years, Occu. : Agril.,
48. Indal S/o Suppadsing Khode,
Age : 35 years, Occu. : Agril.,

All R/o Kingaon-wadi,
Tq. Ambad, Dist. Jalna.

.. Petitioners

Versus

1. The State of Maharashtra,
Through the Chief Secretary,
State of Maharashtra,
Mantralaya, Mumbai – 32.

2. The Chief Engineer,
Public Works Regional Department,
Aurangabad.
3. The Superintending Engineer,
Public Works Circle, Bandhkam Bhavan,
Adalat Road, Aurangabad-431001.
4. The Collector, Jalna,
Collector Office, Jalna.
5. The Sub Divisional Officer,
Sub Division, Ambad, Dist. Jalna.
6. The Tahsildar,
Tahsil Office, Ambad, Dist. Jalna.
7. MCGN Infra Pvt. Ltd. (Joint Venture)
Through its Authorized Officer,
5-5-29, Kranti Chouk,
Aurangabad 431 001. .. Respondents

Shri Deepak K. Rajput, Advocate for Petitioners.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.
Shri S. B. Ghatol Patil, Advocate for the Respondent No. 8.

**WITH
WRIT PETITION NO. 7898 OF 2019**

1. Dnyaneshwar S/o Madhavrao Bande,
Age : 40 Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
2. Dnyaneshwar S/o Gorakh Hud,
Age : 32 Years, Occu. : Agril.,
R/o At Post Padali, Tq. Paithan,
Dist. Aurangabad.
3. Kesu S/o Nana Hud,
Age : 55 Years, Occu. : Agril.,

R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.

4. Annasaheb S/o Nana Hud,
Age : 45 Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
5. Vitthal S/o Devidas Uchit (under Guardian)
Devidas S/o Balchand Uchit,
Aurna W/o Devidas Uchit,
Age : --- Yrs. Occu. : Education,
R/o At Post Padali, Tq. Paithan,
Dist. Aurangabad.
6. Iliyas S/o Mahamad Kureshi,
Age : 65 Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
7. Anna S/o Nana Hud,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
8. Kulsambi Mahamd Kureshi,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
9. Iliyas Mohamd Kureshi,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
10. Muktabai Nanasaheb Bande,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
11. Mangal W/o Trimbak Bande,

Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.

12. Trimbak S/o Shesherao Bande,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
13. Vithal S/o Ram Bande,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
14. Radhabai W/o Vithal Bande,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
15. Aniskhan Lalkha Pathan,
Age : __ Years, Occu. : Agril.,
R/o At Post Padali, Tq. Paithan,
Dist. Aurangabad.
16. Rushikesh S/o Hari Bande (Under Guardian)
Hari S/o Janardan Bande,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
17. Kalyan S/o Manik Hud,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
18. Devidas S/o Balchand Uchit,
Age : __ Years, Occu. : Agril.,
R/o At Post Padli, Tq. Paithan,
Dist. Aurangabad.
19. Kakasaheb S/o Punjaji Borade,

Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.

20. Zevour S/o Devidas Anthony,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
21. Machindra S/o Tukaram Bande,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
22. Rama S/o Anna Rahatwade,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.
23. Bapusaheb S/o Asaram Hud,
Age : __ Years, Occu. : Agril.,
R/o At Post Padali, Tq. Paithan,
Dist. Aurangabad.
24. Rashid Ibrahim Kureshi,
Age : __ Years, Occu. : Agril.,
R/o At Post Padali, Tq. Paithan,
Dist. Aurangabad.
25. Jalindar S/o Natha Rangbhare,
Age : __ Years, Occu. : Agril.,
R/o At Post Padali, Tq. Paithan,
Dist. Aurangabad.
26. Dnyaneshwar S/o Balchand Uchit,
Age : __ Years, Occu. : Agril.,
R/o At Post Padali, Tq. Paithan,
Dist. Aurangabad.
27. Anilkumar S/o Sukhlal Bhandari,
Age : __ Years, Occu. : Agril.,

R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.

28. Ashok S/o Bhagwan Hud,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.

29. Sayyad Maqsood Sayyad Yusuf,
Age : __ Years, Occu. : Agril.,
R/o At Post Gazipur, Tq. Paithan,
Dist. Aurangabad.

.. Petitioners

Versus

1. The State of Maharashtra,

2. The Chief Engineer,
The Public Work Department,
Dist. Aurangabad.

3. Executive Engineer,
Public Work Division,
Aurangabad.

4. The Collector,
The Collector Office,
Aurangabad.

5. Divisional Commissioner,
Divisional Commissioner Office,
Aurangabad.

6. The Sub Divisional Officer,
The Tahsil Office,
Paithan.

.. Respondents

Shri Ananta R. Magar, Advocate for Petitioners.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.

WITH

WRIT PETITION NO. 9756 OF 2019

1. Gajanan Asaram Disagaj,
Age: 60 Years, Occu: Agriculture,
R/o. Kachner, Tq. & Dist. Aurangabad.
2. Ganpat s/o Dada Betude,
Age: Major, Occu: Agriculture,
R/o. As above.
3. Radhakisan s/o Dada Betude,
Age: Major, Occu: Agriculture,
R/o. As above.
4. Kadu s/o Dada Betude,
Age: Major, Occu: Agriculture,
R/o. As above.
5. Subhadrabai w/o Betude,
Age: Major, Occu: Agriculture,
R/o. As above.
6. Bhimrao s/o Asaram Disagaj,
Age: Major, Occu: Agriculture,
R/o. As above.
7. Sulabai w/o Bhimrao Disagaj,
Age: Major, Occu: Agriculture,
R/o. As above.
8. Rekha w/o Ramesh Jadhav,
Age: Major, Occu: Agriculture,
R/o. As above.
9. Ramesh s/o Bhagwan Jadhav,
Age: Major, Occu: Agriculture,
R/o. As above.
10. Shantilal s/o Rajhans Chavan,
Age: Major, Occu: Agriculture,
R/o. As above.

11. Santosh s/o Ashok Ghongte,
Age: Major, Occu: Agriculture,
R/o. As above.
12. Ashok s/o Rambhau Ghongte,
Age: Major, Occu: Agriculture,
R/o. As above.
13. Pralhad s/o Kisan Jadhav,
Age: Major, Occu: Agriculture,
R/o. As above.
14. Mulchand s/o Hari Chavan,
Age: Major, Occu: Agriculture,
R/o. As above.
15. Bhagwan s/o Roopa Jadhav,
Age: Major, Occu: Agriculture,
R/o. As above.
16. Anil s/o Bhagwan Jadhav,
Age: Major, Occu: Agriculture,
R/o. As above.
17. Bebi w/o Anil Jadhav,
Age: Major, Occu: Agriculture,
R/o. As above.
18. Rajendra s/o Sarjerao Jadhav,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
19. Sudhakar s/o Jagannath Jadhav,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
20. Dadarao s/o Bhaurao Bhanuse,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.

21. Rekhabai Bapurao Jadhav,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
22. Dattatray s/o Sarjerao Jadhav,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
23. Ramnath s/o Bhanudas Jadhav,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
24. Chhaya w/o Kailas Kakarwal,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
25. Bhagwat s/o Bhikanrao Jadhav,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
26. Kantabai w/o Tulshiram Gaikwad,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
27. Bhujangrao Bhavrao Bhanuse,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
28. Dnyaneshwar s/o Bhaurao Bhanuse,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
29. Prabhakar s/o Kaduba Bhanuse,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
30. Saluba s/o Asaram Disagaj,
Age: Major, Occu: Agriculture,
R/o at Jodwadi Tq. & Dist. Aurangabad.
31. Shailesh s/o Nemichand Kasliwal,

Age: 45, Occu: Agriculture and Business,
R/o at Blue Bell Apartment,
Aurangabad.

32. Kundlik Mithu Rathod,
Age: 42, Occu: Agril,
R/o at Kachner, Tq. & Dist. Aurangabad. .. Petitioners

Versus

1. The State of Maharashtra,
Secretary, Public Works Department,
Mantralaya, Mumbai-32.
2. The Chief Engineer,
Public Works Regional Department,
Aurangabad.
3. The Collector,
The Collector Office,
Aurangabad.
4. The Superintending Engineer,
Public Works Circle,
Bandhakam Bhavan, Adalat Road,
Aurangabad.
5. The Executive Engineer
World Bank Project Division,

Bandhakam Bhavan, Adalat Road,
Aurangabad.
6. The Sub Divisional Officer,
Aurangabad, Dist. Aurangabad.
7. Kalyan Toll Infrastructure, Ltd.
Through its Authorized Officer,
19, Kalyan House, Govind Nagar,
Opposite Mariya Hospital,
Railway Station Road, Aurangabad. .. Respondents

Shri Amol D. Mule, Advocate for Petitioners.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

Closed for Judgment/Order on : 12.03.2020

Judgment/Order Pronounced on : 30.04.2020

JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

1. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. All these writ petitions are based on common set of facts and involve similar issues. To avoid rigmarole are decided by common judgment.

3. The petitioners seek restraint order against the respondents from taking over the possession of the lands without following due procedure of law and payment of compensation.

4. The petitioners contend that the respondents have undertaken work of state road viz Badnapur-Nanegaon-Jamkhed, Jalna-Ghansawangi and so on. The stand of the respondents appear to be that in the year 1971-72, 10 meter wide road was constructed under Employment Guarantee Scheme (for short "E.G.S."). The said road is shown as Government track. Now only improvement of the road already in existence is being done. The same is done within the Right of Way (ROW)

available under P.W.D. The same is 07 meter carriage way plus 2.5 meters side shoulder in addition to the slope on either side extending to 16 meter.

5. Mr. Tope, the learned counsel for petitioners in Writ Petition No. 4717 of 2019 has canvassed the load arguments. Mr. More, Mr. Pahune Patil, Mr. Witore, Mr. Magar, Mr. Rajput and Mr. Mule echoed the arguments of Mr. Tope.

6. The gravamen of the petitioners contention is that, in the year 1971-72 under the E.G.S. 10 meter wide road was constructed. No compensation was paid at that time. Subsequently, the said road is declared as a State Highway. Though said road is declared as State Highway, the width of the 10 meter road was never expanded. It remained 10 meter wide road. After the road was declared as State Highway, acquisition proceedings were not undertaken. It is illegal on the part of the respondents to contend that, ROW is 30 meter. The respondents cannot deprive the petitioners of their property without due process of law. The petitioners place reliance on Article 300-A of the Constitution of India. The petitioners also rely on the judgment of the Apex Court in a case of **Tukaram Kana Joshi and others Vs. Maharashtra Industrail Development Corporation and others** reported in *(2013) 1 SCC 353*, so also another judgment of the Apex Court in a case of **Vidya Devi Vs. The State of Himachal Pradesh** dated January 08, 2020 in Civil Appeal No. 60-61 of 2020.

7. Mr. Karlekar, the learned Assistant Government Pleader for the respondents submits that, the petitioners admit that, in the year 1971-72, 10 meter wide road was constructed from the land of petitioners under E.G.S. The same is in existence and is in use since then. The said road is upgraded to State Highway standard. The ongoing improvement is for black top of 10 meter and 01 meter murum filling on either side of B.T. The improvement of work would be restricted to the area in possession of the State. The roads are selected for improvement under the Hybrid Annuity Scheme as per circular dated 03.05.2017. The road is being constructed within the ROW available with P.W.D., which is 7 meters carriage way plus 2.5 meter side shoulder in addition to slope on either side which extends to 16 meters. The same is in accordance with the manual of specification standards of IRC (Indian Road Congress and Special Publication 73) (2015). The State Highway is in existence since 2001. It has ROW of 24 meters. The development is done within existing ROW. The land acquisition is not necessary. Reliance is placed on the map to contend that, 16 meter wide road is in possession of respondents since 47 years. The learned A. G. P. relies on the judgment of the Division Bench of this Court delivered at the Principal Seat at Bombay dated November 01, 2018 in Writ Petition No. 8057 of 2018 with connected writ petitions.

8. We have considered the submissions canvassed by the learned counsel for respective parties.

9. The respondents/state has filed affidavit in reply in two matters viz Writ Petition No. 4717 of 2019 and Writ Petition No. 1480 of 2019. The learned A. G. P. submitted that, same be read in other matters. Both the affidavits are verbatim similar except the nomenclature of the road.

10. The substratum of the matters is the extent of the width of the road, the respondents can construct without acquiring the property of the petitioners.

11. The Executive Engineer World Bank Project Division Aurangabad has filed affidavit in reply. The affidavit in reply instead of clarifying the position, makes it more chaotic. Some of the paragraphs of affidavit in reply in Writ Petition No. 4717 of 2019 reads thus.

“5. I say and submit that, it is not in dispute that, the petitioners are in lawfull possession of their respective lands adjacent to the State Road from Badnapur, nanegaon, Jamkhed, Pachod up to National Highway No. 211. I say and submit that, it needs to be appreciated that, the petitioner themselves in para no. 4 of the petition have stated that, in the year 1971-72, the present road was constructed under the EGS in order to provide employment to the draught affected persons and the said road was constructed without resorting the provisions of Land Acquisition Act. It has been further stated that, 10 meters State Road from Badnapur, Jamkhed was constructed at that time and width of the said road is 10 meters.

6. I say and submit that, in fact in toposheet No. 47 M/10 which is prepared by the Surveyor General of India in 1970 which was preceded by survey done in 1968 and 1969. The said road is shown as Government track. The track is of minimum of 10 meters I. e. 33 feet width since then. Hence considering this, there

was no question of acquiring any land for the said road. The said road is in existence since last 49 years. However, the said road has been improved since then and it has been upgraded to State High Way standards. I say and submit that, ongoing improvement is for black top of 10 meters and 1 meter Murum filling on either side of BT for protection of this BT width. The improvement is being carried out within the said width. I say that, the government in its Public Works Department has issued a Circular on 3.5.2017 and has issued certain guidelines for implementation of Hybrid Annuity scheme which is introduced by the State Government by G. R. Dt. 29.11.2016. The said scheme has been adopted similar to the scheme which has been introduced by the Central Government. The budgetary provision for 195 works came to be sanctioned in Winter Session of the Assembly in December 2016. Under the said scheme some roads have been selected for improvement and Two laneing. Considering that for improvement of the road addition lands would be required and as a result it could consume much time and also burden on State exchequer etc., hence considering all these aspects it was decided that for the improvement of the roads, the area which was in the possession of Public Works Department would be used and the said improvement would be restricted only to the area which was already in possession of the said department. Hence no additional area would be acquired for the same.

7. I say and submit that, the road in the present case is one of the State road which is selected for improvement under the said Hybrid Annuity scheme. The said would be reflected from annexure 1 to the State of the budget 2016 of P. W. Department. In the said annexure, the present road is at Sr. No. 10 which is shown in Jalna district.

8. I say and submit that, hence considering the above, the apprehension of the petitioners that, the lands of the petitioners would be taken for widening of the road is misplaced and unwarranted. I once again submit that, the road is being constructed within the right of way (ROW) available with the Public Works Department which is 7 meters carriage way plus 2.5 meters side shoulders in addition to slope on the either side which extends to 16 meters of the said specification are in accordance with the manual of specification standards according to IRC

(Indian Road Congress and Special Publication 72) (2015).

10. I say and submit that, the said road of 10 meters width is constructed in 1971-72 by digging 3 meter borrow pits in adjacent to the agricultural land. Hence the road has attained width of 16 meters and hence, the said road is in possession of the P. W. Department.

11. According to manual of Ministry of Road Transport and Highways, New Delhi, the Right of Way for State highways is 30 meters. This State highway No. SH-224 is in existence since 2001-2021 Road Development Plan of Government of Maharashtra and before that it was major district road since 1981-2001 road development plan which has right of way of 24 mtrs. As development is done within existing right of way. No land acquisition proposal seems to be necessary.

13. I say and submit that, the Revenue Department has prepared the map which shows existence of road which is 16 meter and above. The map also supports the contention of the answering respondent that, they are in possession of 16 meter width road since last 47 years and considering that, the said work is undertaken under the scheme in which it does not contemplate taking possession of any land or widening of any road and it only contemplates the strengthening of existing road. There is no question of taking or initiating any land acquisition proceeding."

12. Considering the pleadings and the contentions of the parties, the factual matrix to the extent that, the petitioners are the owners of their respective lands as contended is not disputed. The respondents in the affidavit in reply have in no uncertain words admitted the ownership of the petitioners over their lands. It is also not a matter of dispute that, in the year 1971-72 under the E.G.S. road was constructed from the lands of petitioners. Similarly situated persons as the petitioners had filed Writ Petitions before this Court in the year 1987 claiming

compensation for the part of the land affected in construction of road carried out in the year 1971-72 under E.G.S. This Court allowed the writ petitions. The State approached the Apex Court. The Apex Court allowed the Special Leave Petition No. 6066 of 1995 filed by the State and set aside the judgment of this Court and dismissed the writ petitions. The Apex Court in the said judgment observed that, judgment of the High Court in all matters directing grant of compensation for the lands affecting in road widening of the year 1971-72 stands set aside though may not have been challenged. In view thereof, the contention of Mr. More that, the petitioners are entitled to compensation even in respect of lands acquired in 1971-72 needs no consideration and stands negated.

13. The petitioners have not disputed the existence of 10 meter wide road since 1971-72. The respondents cannot be restrained from carrying on the improvement i. e. the black top of 10 meter. In para 6 of the affidavit in reply, the respondents have accepted that track since 1971-72 is 10 meter and that black top is laid on 10 meter and 01 meter murum filling on either side of B.T. for protection of B.T. width. The respondents in para Nos. 8 and 10 of same affidavit in reply have narrated different case. It is said that the road has attained width of 16 meters and same is in possession of the State Government. Clarification is given that, road is constructed within available ROW i. e. 7 meter carriage way plus 2.5 meter side shoulders in addition to slope on either side which extending to 16 meters. The respondents have also placed reliance on map prepared by the Revenue Department.

14. As per the geometric design and general feature of the manual of specification and standards produced by the respondents along with the affidavit in reply, the width of carriage way is 3.5 meter i. e. 7 meters and the width of shoulder is 2.5 meters on either side. The same would be 12 meters. In the present matters, it is not the case of the respondents that, service road exists.

15. As discussed above, 10 meters wide road is admittedly in existence since 1971-72 and there would be no impediment for respondents to carry on the work on said 10 meter wide road. In para 6 of the affidavit in reply, it is contended that, on going improvement is for black top of 10 meter and 01 meter murum filling on either side i. e. 12 meter wide. Whereas in para 8, it is clarified that, road is constructed within ROW, which is 7 meter carriage way plus 2.5 meter side shoulder, which would be 12 meters. We can accept the case of respondents that the respondents are in possession of 10 meter wide road plus 1 meter murum filling on either side. However, there is nothing on record to conclude that the width would extend to 16 meter i. e. additional slope on either side.

16. It appears that, only on paper the respondents upgraded the road constructed under the E.G.S. in the year 1971-72 as major district road in 1981 and major district road into a State Highway in 2001. For State Highway ROW is 30 meters. The respondents do not contend that, at the time of declaring the

road as District major road since 1981-2001 and State Highway since 2001-2021, the respondents carried out further construction or expanded the width of the road. The width of the road constructed under E.G.S. in 1971-72 remained the same, though same was declared as District major road 1981-2001 that require width of 24 meters and State Highway 2001-2021 requiring width of 30 meters.

17. The respondents if desirous of carrying the construction of road beyond 12 meter (10 meter plus 1 meter on either side murum filling), they shall have to acquire the property of the petitioners.

18. The respondents in their affidavit in reply have not disputed ownership of the petitioners over the lands. The right to property is an inviolable right. Though the right to property is not a fundamental right, still the same is protected under Article 300-A of the Constitution. Article 300-A of the Constitution provides that, no person shall be deprived of his property save by the authority of law. Now right to property is brought within the contour of human right.

19. The respondents are the State and its instrumentality. They are expected to be model litigants. It is not expected of the respondents to usurp their power in denuding the petitioners of their property and that too their source of livelihood. The respondents cannot construct the road beyond 12 meters width without resorting to due procedure of law viz acquiring the

property under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and/or by private negotiation. The respondents are supposed to nay required to adhere to the rule of law. Action defiant to the rule of law is arbitrary. Arbitrariness has no role in a society governed by rule of law. Arbitrariness is an antithesis to rule of law, justice, equity, fair play and good conscience. The Courts in such cases would step in exercising the extraordinary powers under Article 226 of the Constitution of India to restrain an arbitrary action.

20. The judgment delivered by the Division Bench of this Court at the Principal Seat in Writ Petition No. 8057 of 2018 with connected writ petitions dated November 01, 2018 and relied by the learned A. G. P. would not be of much assistance to the respondents. In the said case, the petitioners contended that, MSRDC cannot maintain uniform width of 24 meters unless the land of the petitioners is acquired. The case of MSRDC was that, the width of ROW is over 24 meter and up-gradation on 24 meters wide road is done. It was further case of MSRDC that, where ever the requirement of land is exceeded proper procedure to acquire the land would be adopted by respondents therein.

21. In the present cases, undisputed fact emerging from the pleading are that, 10 meter road was constructed under E.G.S. in the year 1971-72 and thereafter no further work was carried and only on paper the roads were declared as District major road and State Highway.

22. In the light of the above, the writ petitions are partly allowed.

23. The respondents are allowed to carry out the work on writ road to the extent of 10 meter wide plus one meter on either side i. e. 12 meter wide. The respondents shall not carry out construction of writ road beyond 12 meter without following due procedure of law. The respondents in that case shall acquire the affected property from the legitimate owner in accordance with the provisions of law or by private negotiations.

Rule is made absolute in above terms. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

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