



ORDER BELOW EXH.23 IN R.C.S. NO. 104 OF 2026

(Prakash Anant Aundhkar V/s. The Collector, Satara & Ors.)

This is an application filed by the plaintiff for seeking relief of the status quo.

02. The suit is instituted for the injunction. It is the case of the plaintiff that, suit property is a house property and it is their ancestral property. It was constructed by their forefathers prior to 1950. Suit property is adjacent to Karad-Chiplun road. Defendant No.6 i.e. National Highway Authority has issued notice, contending that plaintiff has unauthorizely acquired some portion of the road and directed to remove it. Plaintiff has challenged that notice on the ground that there was no acquisition of the suit property by the Government. Hence, defendant No.6 has no right to act upon as per the notice. If defendant No.6 acted upon as per the notice then there will be irreparable loss to the plaintiff. Hence, present application is filed to grant status-quo.

03. Defendant No.6 has filed their say at Exh.25 and raised objection on following points.

i) As per Sec.14 of National Highway (Land and Traffic) Act

2002, this Court has no jurisdiction.

ii) As per Sec.15 of the said Act, which gives the said Act on overriding effect over any other law for the time being in force.

iii) The application for injunction is also expressly barred by the provisions of the Specific Relief Act 1963. Sec.41(ha) of said Act prohibits the grant of injunction if it would impede or delay the progress or completion of any infrastructure project. The removal of encroachment from a National Highway in an integral part of the maintenance and development of a vital infrastructure project of national importance.

iv) The plaintiff has remedy u/s.27 of the Act.

04. Perused the application, say and the record.

05. It is admitted fact that, defendant No.6 has issued notice as per Sec.26(2) of the said Act on 15.05.2025. Prior to this notice; T.I.L.R. has issued notice on 28.11.2025. T.I.L.R. has intimated that suit property is coming within limits of the road. Hence, directed to remain present for the inquiry. In the notice of 15.05.2025 it is also intimated that parties can raise objection within 7 days before National Highway authority. It is not on the record that, plaintiff has raised objection before appropriate authority at appropriate time. Defendant No.6 has issued notice about unauthorized possession. Plaintiff has not raised any objection before appropriate authority that means he has admitted contents of the notice. In such circumstances plaintiff is not entitled to claim remedy of status-quo.

Hence, I pass the following order.

ORDER

1. The application is rejected.
2. No order as to costs.

Place : Karad

Date : 30.04.2026

(J.J.Mane)

4th Jt. Civil Judge Sr. Dn., Karad.