

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO.98984 OF 2020

Santosh Dnyandeo Tengale & Ors.

.. Petitioners

vs.

The State of Maharashtra & Ors.

.. Respondents

.....

Mr.Sushant S. Prabhune for the Petitioners

Mr.C.D.Mali, A.G.P. for the State

.....

**CORAM: K.K.TATED &
R.I.CHAGLA, JJ.
DATED : JANUARY 15, 2021**

P.C.

. Heard.

2. By this petition, under Article 226 of the Constitution of India, petitioners are seeking direction against Respondent nos.1 to 4 to initiate the work of road from Manappavasti to Tengalphata (Kokarevasti), km 0/00 to 6/140 under the Pradhanmantri Gram Sadak Yojana and direct Respondent nos.1 to 4 to complete the work within particular time.

3. It is to be noted that in the present proceeding, some of the Respondents filed Regular Civil Suit No.142 of 2019 for

injunction restraining Respondent State from expanding the width of the suit road till the decision of the Suit. Civil Judge, Senior Division, Baramati by its order dated 23.09.2019 allowed the Application below Exhibit 5 in Regular Civil Suit No.142 of 2019 and restrained the Respondent State by temporary injunction from increasing width of the existing road more than 12 feet till the decision of the Suit. Against the said order, Executive Engineer preferred Misc. Civil Appeal before the learned District Judge at Baramati, Pune on 01.11.2019 and same is pending for hearing. Executive Engineer also preferred Application for stay.

4 Considering these facts, and as some of the Respondents are not served, the following order is passed:

a. Registry is directed to issue notice before admission to the Respondents, returnable on 01.03.2021.

b. In addition to usual mode of service, Petitioners are permitted to serve the Respondents by private notice either by registered post A/D and or by hand delivery and file Affidavit of Service to that effect on or before 24.02.2021.

c. Respondent State is directed to file affidavit in reply on or before 20.02.2021 with copy to other side.

d. Rejoinder if any, be filed on or before 24.02.2021 with copy to other side.

e. Stand over to 01.03.2021.

(R.I.CHAGLA, J.)

(K.K.TATED, J.)