

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9574 OF 2010

Mandakini Manohar Paygude ... Petitioner

Vs.

Navanath Swaya Seva Sahakari Sanstha Maryadit
Hadapasar, Pune and others ... Respondents

WITH
INTERIM APPLICATION NO.2178 OF 2026
WITH
INTERIM APPLICATION NO.1685 OF 2022
IN
WRIT PETITION NO.9574 OF 2010

Mr. U. B. Nighot and Mr. D. D. Shinde for Petitioner.

Ms. G. R. Raghuwanshi, AGP for Respondents-State.

Mr. Pritam Nigade for Intervenors.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : MARCH 26, 2026

P.C. :

. This petition is pending since the year 2010. The principal grievance of the petitioner is that the respondent Nos.5 and 6 have constructed a road through land belonging to the petitioner in Gat Nos.82, 87 and 88. Neither was the consent of the petitioner taken nor was the land acquired and no compensation was ever determined or paid.

2. On 10.10.2013, a Division Bench of this Court took note of the aforesaid contention raised on behalf of the petitioner and granted *Rule*. Ad-interim relief was granted in terms of prayer clause (e), as a consequence of which, respondent Nos.1 to 8 and residents of the village

stood restrained from using the aforesaid road constructed through the lands belonging to the petitioners.

3. Since the ad-interim relief has continued to operate, certain villagers have filed an intervention application bearing Interim Application No.1685 of 2022. We also find that the respondent *Grampanchayat* filed Interim Application No.2178 of 2026 seeking early hearing of the writ petition.

4. During the course of arguments, it came to light that while the petitioner has raised objection with regard to unauthorized construction of the said road, in prayer clause (e), she has also prayed for a direction to the respondent Nos.1 to 8 to pay appropriate damages to her. We do not find any prayer in the writ petition for a direction to the respondents to acquire the portion of land on which the road has been constructed upon payment of just, fair and reasonable compensation to the petitioner.

5. Considering the fact that the interim order passed by this Court has resulted in respondent Nos.1 to 8 and the villagers being restrained from using the road, the dispute could be resolved by acquisition of the land, if necessary, and upon payment of compensation to the petitioner.

6. Since there is no prayer in the present petition with regard to such a direction, learned counsel for the petitioner seeks short adjournment to take instructions in the matter. He submits that if he is so instructed, he shall be ready with the draft amendment in the writ petition.

7. At this stage, the learned counsel appearing for the intervenors informs this Court that Writ Petition No.5323 of 2014 also concerns part of the aforesaid road and it would be appropriate if the aforesaid writ petition is also taken up for consideration along with the instant writ petition.

8. In view of the above, list the present writ petition along with Writ Petition No.5323 of 2014 under the caption 'for directions' on 10.04.2026.

9. The petitioner is at liberty to file the reply affidavit within a week in Intervention Application No.1685 of 2022.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

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