

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 444 OF 2026

Bhika Ganpat Kale Since Deceased .. Petitioners
Thru. LRs and Ors

V/s.

The State of Maharashtra throu. .. Respondents
Secretary and Ors

Mr. D. V. Sutar, a/w Ms. Shruti Ghodake, i/b Ms. Kavita D. Vijapure, for the
Petitioners.

Ms. Ashwini A Purav, AGP for the Respondent/State.

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

DATE : 26TH FEBRUARY 2026.

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1. In this petition on 27/01/2026, we had issued notice and we had also indicated that the respondent State Authorities should give proper instructions to learned AGP before the returnable date, as this Court would be considering the prayer for interim relief.

2. Today when the petition is called out for hearing, the learned AGP seeks further time to take instructions.

3. Learned counsel for the petitioners is pressing for interim relief in the light of notices received by the petitioners placed on record at

Exhibit F. As per the said notices, the petitioners have been asked to remove encroachment as it is alleged that they are in possession of land that has been acquired for the approach road for the Pawana Project.

4. We are inclined to grant interim relief to the petitioners in the light of certain facts brought to our notice. A copy of the land acquisition award placed on record shows that the only piece of land notified in Village Bramhnoli, Tal. Mawal, Dist. Pune was Survey No. 49/5 ad-measuring 64 Ares. The petitioners have asserted in the writ petition at Exhibit A that their lands are located in different parts of Survey No. 49, but the said lands have nothing to do with the acquired land in Survey No. 49/5. The learned counsel for the petitioner also invited attention of this Court to a letter dated 08/12/2025 addressed by the Information Officer/Circle Officer of the Office of the Special Land Acquisition Officer in response to a query under the Right to Information Act, 2005. The said letter categorically states that land only from Survey No. 49/5 has been acquired and that none of the other portions of the land in Survey 49 have been acquired.

5. In the light of the aforesaid material, we find that the petitioners have made out the strong *prima facie* case to contend that the

impugned notices issued in September 2025 to the petitioners to remove "encroachment" can be said to be unsustainable. Since the possession of the petitioners would be under threat, we are inclined to grant interim relief.

6. In view of the above, there shall be interim relief in terms of prayer clause (d) and (e) which read as follows:

"(d) Pending the hearing and final disposal of this writ petition, this Hon'ble Court be pleased to restrain the respondents by way of an injunction from disturbing peaceful possession of the petitioners on the said lands as described in (EXH. A).

(e) Pending the hearing and final disposal of this writ petition to stay the execution, operation and/or implementation of the notices dated 12.09.2025 and 17.09.2025 (EXH. F) issued by Respondent No. 7."

7. List the petition for further consideration on 30th March 2026.

8. In the meanwhile, the respondents may file their reply affidavit.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)