



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

WRIT PETITION NO. 12329 OF 2024

Dagdu Baburao Jadhav
Through GPA Kalidas Dagdu Jadhav .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Ram S. Shinde, Advocate for the Petitioner.
Shri A. B. Girase, G.P. for the Respondent Nos. 1, 4 to 5.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 21ST FEBRUARY, 2025.**

ORDER :

. The petitioner is seeking directions against the respondents not to take the possession of the land of the petitioner for construction of highway without following due procedure of law and for joint measurement. He is also seeking injunction against the respondents restraining them from constructing highway without payment of compensation.

2. During the course of argument this Court asked first question to the petitioner, how much land is affected and what is the specification of land, which is allegedly encroached upon by the highway authority. However, there is absolutely no pleading and even the petitioner did not get his land measured to identify the area of encroachment. His case further reveals that there

was no acquisition proceedings for the land in question.

3. On the contrary the government has a stand that they have laid down the road on the road which was already in existence. The government has record that since 1981 the road was in existence. Hence the petitioner is not entitled to seek any relief. In this situation, unless *prima facie* material is placed before the Court to believe that encroachment on the land of the petitioner is made, we would not be in a position to take any decision and proceed with the petition.

4. The learned counsel for the petitioner seeks leave to amend the petition. Leave granted. Amendment be carried out within two (02) weeks from today. Stand over to 21.04.2025.

[SHAILESH P. BRAHME J.]

[S. G. MEHARE, J.]

bsb/Feb. 25