VISHAL SUBHASH PAREKAR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14081 OF 2026 (Sr.No. 31)

Jitendra Lahu Kamble and Others …Petitioners
Versus
The Sub Divisional Engineer and Others …Respondents

WITH
WRIT PETITION NO. 14083 OF 2026 (Sr.No. 33)

Chandrakant Vishnu Malshikar and Others …Petitioners
Versus
The Sub Divisional Engineer and Others …Respondents

WITH
WRIT PETITION (ST.) NO. 30814 OF 2026 (Sr.No. 34)

Sachin Shivaram Wadekar and Others …Petitioners
Versus
The Sub Divisional Engineer and Others …Respondents

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Mr. Chinmay Patil a/w. Mr. Shahnawaz Siddique, Mr. Sagar Mane, Mr. Shrikant Gaikwad, for the Petitioners.
Smt. G.R. Raghuwanshi, AGP for the State in WP No. 14081 of 2026.
Smt. M.S. Bane, AGP for the State in WP No. 14083 of 2026.
Smt. P.M.J. Deshpande, AGP, for the State in WPST No. 30814 of 2026.

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

DATE : 19th OCTOBER, 2026

P.C. :

1. Heard learned counsel for the petitioners and the learned AGP for the respondent - State Authorities in these petitions.

2. The petitioners are aggrieved by notices dated 21/08/2026 issued by Respondent Sub-Divisional Officer, Public Works Sub-Division, Khed, (Rajgurunagar). The said notices have been issued under the provisions of the Maharashtra Highways Act, 1955, calling upon the petitioners to remove “encroachments” as they are obstructing the project of road widening proposed to be undertaken in Village Khalumbre, Taluka Khed, District Pune. The notices state that the encroachments are to be removed within 7 days.

3. It is submitted on behalf of the petitioners that in pursuance of the said notices, the respondent - authorities are likely to take coercive steps and that therefore, there is urgency in the matter.

4. The learned AGP correctly points out that as per section 24 of the Highways Act, there is an alternative efficacious remedy of appeal available to the petitioners and that therefore, this writ petition may not be entertained.

5. Section 24 of the Highways Act reads as follows:

> *"Where the person on whom notice to remove an encroachment has been served under sub-section (1) of section 23 lays claim that the land in respect of which encroachment has been alleged is his property or that he has acquired a right over it by virtue of adverse possession or otherwise he shall within the time-limit prescribed in the notice for the removal of the encroachment, file an appeal before the Collector under intimation to the Highway Authority or the officer authorized under sub-section (1) of section 21, as the case may be. The Collector shall after due enquiry record his decision in writing and communicate the same to the appellant and the Highway Authority or such officer. The Highway Authority or such officer shall till then desist from taking further action in the matter."*

6. We find substance in the contention raised on behalf of the respondent - State Authorities that the petitioners can file appeals under the said provision. In this context, the learned counsel for the petitioners submits that such appeals are required to be filed within the time period indicated in the impugned notices, which is already over. It is further submitted that if this Court permits the appeals to be filed, it may be considered that if the decisions in the appeals are adverse to the petitioners, they may be given protection for a limited period to assail such decisions.

7. In view of the above, the writ petitions are disposed of as follows:

> (a) The petitioners are granted liberty to file appeals against the impugned notices under Section 24 of the Maharashtra Highways Act, 1955, within a period of

10 days from today.

(b) In the event the petitioners file the appeals within the aforesaid period of 10 days, the appellate authority/Collector shall entertain the same and proceed to conduct inquiry and record decision as per the above quoted Section 24 of the Maharashtra Highways Act.

(c) Till such time that the appeals are pending before the appellate authority/Collector, coercive action in pursuance of the impugned notices shall not be taken, which is mandated even under the above quoted provision.

(d) In the event the decisions in the appeals are adverse to the petitioners, the status quo shall be maintained for a period of two weeks.

8. Pending applications, if any, stand disposed of.

(SHREERAM V. SHIRSAT, J.) (MANISH PITALE, J.)