

**W.P. No.6439/2016****07.04.2016**

Shri Brajesh Rajak, Advocate for the petitioner.

Shri Pushpendra Yadav, Govt. Advocate for the respondents/State.

This petition is ill-advised. No direction can be issued against the Authority to refrain from acting in accordance with law.

The apprehension of the petitioner that the petitioner will be dispossessed without payment of compensation, is misplaced. No specific case has been mentioned in the petition where such action has been taken. If the structure is affecting the road line or for the project of road widening of National Highway, the Authorities are obliged to take action against the concerned structure, after following due process. As per the extant Policy, the Authorities will have to act and no injunction can be issued against the Authority not to act against the provisions of law.

In larger public interest, the Authorities are expected to proceed in the matter, but, in accordance with law. Nothing more can be said in this petition. The petitioner is free to make representation to the appropriate Authority for any indulgence for time to vacate is required, which can be considered by that Authority, on its own merits, in

accordance with law. This observation may not be construed as any direction to the Authority to accede to the request for time to vacate. It is for the Authority concerned to take decision on that issue as per the exigencies and the norms prescribed in that behalf.

**Disposed of** accordingly.

(A.M. Khanwilkar)  
Chief Justice

(Sanjay Yadav)  
Judge