

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.37892 of 2015

ORDER:

Heard.

The grievance in this writ petition is that the compensation payable with respect to acquisition of subject land under the National Highways Act, 1956 (for short 'the Act') is likely to be paid to the 4th respondent ignoring the objections of the petitioners. It is, however, borne out from the record that notice notifying objections and claims from persons interested in pursuance of Section 3G (3) of the Act was already published and in response thereto, the petitioners have filed their claim through their counsel before the 3rd respondent on 21-09-2015. The petitioners also claim that the dispute with regard to the right of the 4th respondent in respect of the subject property is already raised in civil suits in O.S.No.22 of 2008 before Senior Civil Judge, Narsapur and O.S.No.2 of 2012 before the Additional District and Sessions Judge, Narsapur. The said suits are stated to be pending and the petitioners seek that the amount of compensation should not be offered to the 4th respondent and seek a Mandamus to conduct enquiry into the dispute aforesaid.

I do not see any reason for the apprehension of the petitioners, as in terms of Section 3G (3) of the Act, a notice inviting claims from all persons interested is already given by the competent authority and particularly Section 3H (4) of the Act provides that if any dispute arises as to apportionment of the amount or any part thereof, the competent authority shall refer the dispute to the decision of the Principal Civil Court of original jurisdiction where the land is situated. Hence, at this stage, in my view, it is premature to presume that the compensation amount would be paid to the 4th respondent, when admittedly the enquiry contemplated under Sub-Sections (3) and (4) of Section 3G of the Act is pending. It is also to be noted that in the objections filed by the petitioners through their counsel, the pendency of the suits is not at all mentioned. However, learned counsel for the petitioners placed strong

reliance thereon in this writ petition. In any case, since the objections of the petitioners are already stated to have been filed, it is for the competent authority to examine the respective claims of the 4th respondent as well as the petitioners and take appropriate decision in the matter in accordance with the provisions of the Act. Hence, merely on the apprehension of the petitioner, there is no reason to entertain the writ petition, as the competent authority-the 3rd respondent has to follow the provisions of the Act and take appropriate decision, as briefly referred to above.

Subject to the above observations, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 23-11-2015

Prv

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