

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.218 OF 2015

**Shrinivas Bajirao Kalappa Vs. The State of Maharashtra
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.V.D.Sapkal, advocate for the petitioner.
Mrs.A.V.Gondhalekar, Addl. G.P. for the State.
Mr.V.S.Undre, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.**
Date : 04.08.2016.

PER COURT :

1. Heard.
2. Mr.Sapkal, learned counsel for the petitioner submits that the competent authority could not have decided about the entitlement of the present Respondent about the amount of compensation after the award has been passed. The award is in favour of the present petitioner. The learned counsel relies on the judgment of the Division Bench of this Court in W.P.No.1473/2016 with connected matter dt.13.7.2016.
3. Mr.Undre, learned counsel for the Respondent submits that in the 7/12 extract also the name of Respondent appears in the other

rights column, where charge is created. The order is rightly passed.

4. Considering the judgment of the Division Bench of this Court in W.P.No.1473/2016 referred to supra, the competent authority ought to have referred the said dispute to the principal Court of ordinary original civil jurisdiction.

5. Considering above, the impugned order is quashed and set aside. The competent authority shall refer the dispute to the Civil Court as per Section 3-H(4) of the National Highways Act, 1956, along with the amount. The competent authority shall take steps to transfer the said proceedings to the Civil Court expeditiously and the Civil Court, where the proceedings would be referred shall endeavour to dispose of the same expeditiously.

6. The Writ Petition is disposed of. No costs.

(K . K . SONAWANE, J .)

(S . V . GANGAPURWALA, J .)

Dt.04.08.2016.

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