

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

WRIT PETITION NO. 636 OF 2016

Sheshrao s/o Sakharam Lad
age 62 years, occ. Agriculture
r/o Antarwali (Sarati), Tq. Ambad
Dist. Jalna.

.. PETITIONER

VERSUS

1. The Union of India
Through the Secretary
Ministry for Road Transport and Highways,
New Delhi
2. The National Highway Authority of India
Through its Project Director,
Aurangabad Unit at Plot No. 24-B
N-4, CIDCO, Near Jay Bhawani Chowk
Aurangabad.
3. The Competent Authority
(Land Acquisition) / Dy. Collector,
Jalna.
4. Moti s/o Laxman Pawar
age 40 years, occ. Business
r/o Wadigodri, Tq. Ambad
Dist. Jalna.

.. RESPONDENTS

Mr. B.R. Kedar, advocate for petitioner.
Mr. V.M. Kangne, AGP for the State.
Mr. D.S. Manorkar, advocate holding for Mr. M.V. Kini, advocate for
respondent no. 2.
Mr. V.D. Sapkal, advocate holding for Mr. A.M. Gholap and V.U. Udhan,
advocates for respondent no. 4.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.**

DATE : 14th JULY, 2016.

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.

2. Heard finally with the consent of learned counsel for the respective parties.

3. Petitioner is objecting to the order of rejection of application under National Highways Act, 1956, tendered by petitioner to the competent authority for making reference of the dispute to the Civil Court in exercise of powers under section 3-H(4) of the National Highway Act, 1956. Petitioner claims his entitlement to the amount determined by the Highway authority in respect of the acquired area.

4. It may not be necessary to go into the factual details of the controversy raised by petitioner. Application tendered by petitioner to the competent authority appears to be cryptic and does not give details in respect of his grievance. It would be open for the petitioner to tender appropriate application in the nature of plaint setting out his grievance in detail to the competent authority within a period of two weeks from today. On receipt of substituted application, the competent authority shall refer the matter for decision to the Principal Civil Court of the original jurisdiction within limits of whose jurisdiction the land is situate, within a period of four weeks. The competent authority shall also transmit the amount determined towards compensation excluding the amount already received by respondent, to the Principal Civil Court of original jurisdiction. On receipt of the reference, the Principal Court of civil jurisdiction shall decide the reference as expeditiously as possible, preferably within a period of one year from the date of receipt of reference. The issue in respect of

permitting withdrawal of amount of compensation that would be raised by either of the parties shall be dealt with by the Court and appropriate order shall be passed within a period of three months from the date of receipt of the application. The order impugned in the writ petition stands modified accordingly. Rule is accordingly made absolute. No costs.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

dyb