

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

965 WRIT PETITION NO. 9308 OF 2016

TANAJI VISHWANATH VISHVEKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Undre Vikram S

AGP for Respondents State: Mr. B. A. Shinde

Advocate for Respondent No.2 : Mr. U. R. Awate i/by
Talekar And Associates

Advocate for respondent No.4: Mr. Nikhil S. Tekale

Advocate for respondent Nos: 5 and 7 Mr. S. B. Choudhari

CORAM : S. V. GANGAPURWALA &

K. L. WADANE, JJ.

DATE : 23rd September, 2016

ORDER:

1. Mr. Undre, the learned counsel for the petitioner submits that award has been passed in respect of land bearing Gt No. 678 situated at village Washi, Tq. Washi Dist. Osmanabad. Objection has been raised by the petitioner with regard to the apportionment of the amount. The learned counsel submits that the same is not being referred to the Civil Court as required under Section 3(h)(4) of the National Highways Act, 1956.

2. We have also heard learned AGP for respondent Nos.1 and 3, Mr. Awate, learned counsel for respondent No.2, and learned counsel for respondent Nos.4,5 & 7.

None appears for respondent No.6 though served.

3. Provisions of Section 3(h)(4) of the National Highways Act are clear. Dispute has been raised regarding apportionment of the amount. As such, the same is required to be referred to the Civil Court.

4. Respondent No.3 shall refer the dispute as raised by the petitioner to the concerned Civil Court within a period of four weeks from today.

5. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC