

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

WRIT PETITION NO.12367 OF 2015.

Vishwambhar S/o Sakharam Thigle, ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.G.K.Naik Thigle, advocate for Petitioner.
Mr.V.D.Rakh, A.G.P for the State.
Mr.A.N.Sabnis, advocate holding for
Mr.S.B.Rajebhosale, advocate for Respondent
Nos.14A-C.

...

**CORAM : S.V.GANGAPURWALA AND
A.M.BADAR, JJ.**

Date : 18.01.2016.

PER COURT :

1. Heard.

2. Vide the present Writ Petition the
petitioner seeks direction against the authority

to make appropriate reference in accordance with Section 3-H (3) and (4) of the National Highways Act, 1956. According to the petitioner, there is a dispute with regard to the claim of the amount and the District Collector does not have any authority to decide the same after the award is passed under the Highways Act.

3. Mr.Sabnis, learned counsel submits that in fact, in CRA No.20/2014, this Court has already held that the suit filed by the petitioner before the Civil Court is not maintainable. No purpose would be served by referring the matter to the District Court.

4. Section 3-H (3) and (4) reads as under :

"3-H. Deposit and payment of amount. - (1) The amount determined under Section 3-G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent

authority before taking possession of the land.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated."

5. If there is a dispute with regard to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority

is required to refer the same for decision to the Principal Court of ordinary original civil jurisdiction.

6. According to the petitioner, the Respondents herein at the most are entitled for compensation in respect of 6 Ares land, whereas as per the Respondents they are only entitled to receive the compensation.

7. In view of Section 3-H (4), the Respondent No.4 shall refer the proceedings (Exh.J.) to the Principal Court of ordinary civil jurisdiction, Beed, for decision. The same shall be done within four (4) weeks. The interim orders passed by this Court dated 23.12.2015 shall continue till the first date of hearing before the principal Court of ordinary original civil jurisdiction.

8. The Writ Petition is accordingly disposed of. No costs.

(A.M.BADAR, J.)

(S.V.GANGAPURWALA, J.)

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