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

**WRIT PETITION NO.11089 OF 2016
WITH
CIVIL APPLICATION NO. 7885 OF 2017**

Ramprasad Laxminarayan Soni,
Age: 53 years, Occu:Agri.& Business,
R/o Main Road, Georai, Tal. Georai,
Dist. Beed ..PETITIONER

VERSUS

1. Union of India, through
Competent Authority,
National Highways, Beed
and Sub Divisional Officer,
Beed Division, Beed.
2. Deputy Collector (Land Acquisition)
Jayakwadi Project, Beed,
Government Central Building,
First Floor, Nagar Road,
Beed-431122
3. Sayyad Jahiroddin Sayyad Ahmed,
Age: 59 years, Occ: Agri.,
R/o. Mominpura, Georai,
Tal. Georai, Dist. Beed.
4. Sayyad Atikhoddin Sayyad Ahmed,
Age: 49 years, Occ: Agri.,
R/o. Mominpura, Georai,
Tal. Georai, Dist. Beed. ..RESPONDENTS

Mr A. P. Bhandari, Advocate for petitioner;
Mr S.M. Ganachari, A.G.P. for respondent No.2;
Mr N.K. Tungar, Advocate for respondent Nos.3 & 4

(2)

CORAM : NITIN W. SAMBRE, J.**DATE : 22nd SEPTEMBER, 2017****ORAL ORDER :**

By the impugned order passed in exercise of powers under National Highways Act, 1956, the respondent-authorities instead of referring the matter to the Civil Court for adjudication of entitlement qua compensation amount, proceeded to decide the claim of the parties to the petition, contrary to the provisions of Sub-section (4) of Section-3H of the National Highways Act, 1956.

2. In the backdrop of aforesaid legal provision, both learned Counsel submits that the dispute qua apportionment of compensation to the extent of 6 Are land, as the petitioner is admittedly having title to the extent of 53 Are pursuant to the sale deed be ordered to be referred to Civil Court.

3. In view thereof, it will be appropriate, in my opinion, to quash and set aside the impugned order dated 18th October, 2016 passed by the Sub

(3)

Divisional Officer, Beed being without jurisdiction, with directions to the said authority to refer the dispute qua apportionment of compensation amount to the Civil Court having competent jurisdiction. Such Reference be made within four weeks from the date of communication of this order by the parties to the petition.

4. The parties to the petition volunteers that they shall appear before the Court of Civil Judge, Senior Division, Beed on 30th October, 2017.

5. With above observations, the petition stands partly allowed.

6. Pending civil application stands disposed of.

7. Needless to say that, the amount of compensation, which is already paid to the petitioner, need not be adjudicated upon to the extent of issue of apportionment as raised.

(NITIN W. SAMBRE, J.)

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