

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

WRIT PETITION NO. 13915 OF 2017

HUBLAL BABAI ALBERT
VERSUS
THE UNION OF INDIA AND OTHERS

...
Advocate for Petitioner : Mr Ingale Vivekanand V.
AGP for Respondents: Mr N T Bhagat
Advocate for Respondents : Mr S B Deshpande

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CORAM : V.K. JADHAV, J.
Dated: November 30, 2017

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PER COURT :-

1. It appears that, the petitioner has raised the dispute about the compensation payable to the person who is shown in the award as a recipient to the compensation as determined under the provisions of Section 3G of the National High Ways Act, 1956 by an order of the competent authority. The petitioner has filed an application/objection dated 7.8.2017 before the competent authority which is marked as Exh.'C' in this petition.

2. In terms of the provisions of Subsection (4) of Section 3H of the The National High Ways Act, 1956, 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.

3. In view of the above provisions, the competent authority i.e. respondent No.3 herein is bound to refer the dispute to the Civil Court as provided under sub section (4) of Section 3H of the National High Ways Act, 1956. Needless to say that, neither the payment can be made to the person who has been shown in the award as recipient of the compensation, nor the competent authority can take any decision in respect of such payment, unless the matter is referred to the Civil Court as aforesaid, and decision is rendered by the civil court about the same. Writ Petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

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