

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1454 OF 2018

Rushikesh S/o Kashirao Deshmukh
Age: 35 years, occu: Service,
R/o Belkund, Tq. Ausa, Dist. Latur
At present R/o Bhagya Nagar,
Old Ausa Road, Latur

Petitioner

Versus

- 1 The State of Maharashtra
through District Collector,
Collector Office, Latur
- 2 The Land Acquisition Officer,
i.e. Sub - Divisional Officer,
Ausa, Dist. Latur
- 3 Chand S/o Shanur Shaikh,
Age: major, occu: agril
R/o Taka, Tq. Ausa, Dist. Latur
- 4 Project Director,
National Highways Authority
Nanded

Respondents

Mr. Sharad V. Natu advocate for the petitioner
Mr. C.S. Kulkarni, Assistant Government Pleader for Respondents No.1
& 2
Mr. Dhananjay Deshpande advocate for respondent No.3

CORAM : **R.M. BORDE & K.K. SONAWANE, JJ**

(Date: March 12th, 2018)

ORAL JUDGMENT

(Per: R.M. Borde, J)

- 1 Heard.
- 2 Rule. With the consent of the parties, petition is taken-up

for final decision at admission stage.

3 The petitioner has tendered an objection to the competent authority, objecting for disbursement of amount of compensation in favour of respondent No.3.

4 According to the petitioner, he is entitled to receive the amount of compensation towards the acquisition of the land for highway and that the respondent No.3. does not have any such entitlement. The issue as regards the entitlement to receive the amount of compensation, shall have to be dealt with by the Civil Court. Section 3-H(4) of the National Highways Act, 1956 provides that 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 The petitioner has already presented a Suit, claiming a declaration in respect of the property and as regards his entitlement to receive the amount of compensation. In the circumstances, it is desirable that the objection raised by the petitioner before the competent authority shall be referred to the

Civil Court in accordance with the provisions of Section 3-H(4) of the National Highways Act, 1956.

6 The respondent – competent authority, as such, is directed to refer the objection raised by the petitioner to the Principal Court of Civil Jurisdiction together with the amount of compensation for appropriate decision. Necessary Reference shall be made within contemplation of National Highways Act, 1956, as expeditiously as possible and preferably within a period of four weeks from today. The Principal Civil Court of original jurisdiction i.e. the Principal District Judge shall issue directions for clubbing of the matters i.e. the RCS 518/16 presented by the petitioner and the Reference that would be forwarded by the competent authority for decision and allot both the matters to one and the same Judicial Officer.

7 Rule is made absolute in the above terms. No order as to costs.

(K.K. SONAWANE, J)

(R.M. BORDE, J)

vbd