

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

927 WRIT PETITION NO.10425 OF 2016

Sanjay Subhashrao Shinde

Petitioner.

Versus

The competent Authority and Deputy
Collector, Osmanabad and another.

Respondents.

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Advocate for Petitioner : Mr. Bhumkar R.P.

AGP for Respondents: Mr. S B Pulkundwar

Advocate for Respondent 2 : Ingale Vivekanand V.

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CORAM : N.M. Jamdar, J.

Dated: 18 December 2018

ORAL ORDER :-

1. By this petition, the petitioner has challenged the reference made by the authority under the National Highways Act, 1956 to the Civil Court. The respondents had raised the dispute regarding the entitlement of the petitioner for receipt of the compensation in respect of the acquisition. The authority i.e. the Deputy Collector in view of the provisions of Section 3H(4) of the National Highways Act, 1956 referred the matter to the Civil Court. The learned counsel for the petitioner sought to contend that there

exists no dispute and respondent no.2 had never raised any dispute of any kind prior to raising of this objection and, therefore, since there was no dispute, it need not have been referred to the Civil Court. What is in fact contended is that there is no merit in the dispute raised by the respondent.

2. The section 3H (4) of the Act does not empower the Authority to adjudicate the merits of the dispute as regards the apportionment of the amount or part thereof and he has to refer the matter to the Civil Court as provided. There was no error in the directions issued by the Deputy Collector under section 3H (4) of the Act. Learned counsel for the petitioner contended that there is a subsequent development that some of the parties have compromised the dispute. If this is the position, the petitioner can always point out the same to the Court where the matter is referred. It is informed that, the dispute already stands referred to the Court. In the circumstances, writ petition is rejected. All contentions of the parties on merit, in the pending suit, are kept open.

(N.M. Jamdar, J.)

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