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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1642 OF 2018

Baliram Ramji Dhakmal

...Petitioner.

vs

Union of India & Ors.

...Respondents

.....

Mr C.G.Gavnekar for the Petitioner.

Mr Ashish Mehta a/w Mr Pritish Oak for Respondent No.1.

Mr Harshad Sathe I/b Saurabh D. Butala for Respondent Nos.3 to 5.

Ms Kirti R. Kulkarni AGP for Respondent No.2.

Mr G.S.Hiranandani I/b Suhas S. Deokar for Respondent Nos. 6 to 9.

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**CORAM : K.K.TATED, &
B.P.COLABAWALLA, JJ.
JULY 17, 2018.**

P.C. :

Heard learned counsel for parties.

2 By this Petition under Article 226 of the Constitution of India, the Petitioner is seeking directions against the Respondents - authority to refer the dispute under Section 3H(4) of the National Highways Act, 1956 to the Principal Civil Judge, Senior Division.

3 After hearing both the parties for some time, both the parties submitted Minutes of Order duly signed by both the advocates. The same is taken on record and marked "X" for identification, which reads thus:

“MINUTES OF ORDER”

1. The dispute relates to apportionment of the amount of Rs.38,50,000/- out of total compensation of Rs.77,00,000/- payable towards the acquisition of 700 sq.mtrs out of Survey No. 88/1 of Village Tilore shall be referred by Respondent No.2 to the decision of Principal Civil Court of Original Jurisdiction i.e. Civil Judge, Senior Division, Raigad, Alibag.
2. The Respondent No.2 shall pay an amount of Rs.38,50,000/- to Respondent Nos. 3 to 5. The dispute shall be referred to the decision of Civil Court of Original Jurisdiction, and the balance amount shall be deposited to before the Principal Civil Court of Original Jurisdiction i.e. Civil Judge, Senior Division, Raigad, Alibag.
3. The Petitioner is granted liberty to withdraw Special Civil Suit No. 113 of 2017 pending before Civil Judge, Senior Division, Alibag (Mahad Camp) so far as it relates to the right and interest in Survey No. 88/1 referred in para 3(a) of the plaint dated 6.9.2017.
4. The Petitioner on withdrawal of the part of the said suit shall be permitted to file appropriate claim before Principal Civil Court of Original Jurisdiction i.e. Civil Judge, Senior Division, Raigad, Alibag.
5. The Principal Civil Court of Original jurisdiction i.e. Civil Judge, Senior Division, Raigad, Alibag shall determine the dispute after hearing the necessary parties as per law including the petitioner and respondent Nos. 1,3 to 9.
6. Writ Petition No. 1642 of 2018 shall stand disposed off in the above said terms with no order as to costs.”

4 The Respondent – authorities are directed to make reference under Section 3H(4) of the National Highways Act,

1956, as early as possible within four weeks from receipt of the copy of this order.

5 The Writ Petition stands disposed of accordingly.

6 No order as to costs.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)