

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

WRIT PETITION NO. 755 OF 2019

Babu Lala Chavan and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Prakashsing B. Patil, Advocate for Petitioners.

Shri P. G. Borade, A.G.P. for Respondent Nos. 1, 2 and 4.

Shri D. S. Manorkar, Advocate for the Respondent No. 3A.

Shri Ramesh T. Rathod, Advocate for Respondent Nos. 5 to 10,
13 and 14.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 25TH SEPTEMBER, 2019.

FINAL ORDER :

. We have heard Mr. Patil, the learned advocate for petitioners, the learned advocate for the contesting respondents, the learned Assistant Government Pleader for the respondents/State and Mr. Manorkar, the learned advocate for the respondent No. 3A.

2. The petitioners are aggrieved by the order passed by the competent authority purportedly invoking his jurisdiction under Section 3-H(4) of the National Highways Act. It is stated that, after order is passed and matter is referred to the Civil Court. All the parties have appeared in the said proceedings.

3. There appears to be some dispute raised. According to the petitioners, the respondents have no concern with the lands of the petitioners and they were only concern with the construction, for which the petitioners have given no objection for the respondents to receive the compensation of the constructed area.

4. The competent authority refers to some spot panchanama. Civil Court now would be in a proper position to decide the lis between the parties.

5. As all the parties have already appeared before the Civil Court in pursuance to the orders of the Competent authority and considering the dispute involved, we direct the Civil Court where the matter has been referred by the competent authority to decide the same expeditiously and preferably within a period of nine (09) months from today. The parties shall co-operate in expeditious disposal of the proceedings. Naturally the amount would be disbursed on the basis of judgment that would be delivered by the Civil Court.

6. With these observations and directions the writ petition is disposed of. No costs.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]