

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 708 OF 2018

Vishwas s/o Nagnath Karpe

...Petitioner

Versus

The Union of India and Ors.

...Respondents

Mr. A.V. Indrale Patil, Advocate for Petitioner
Mr. S.M. Ganachari, Assistant Government Pleader for Respondent No.2
Mr. S.N. Patne, Advocate for Respondent No. 3
Mr. V.R. Patil, Advocate for Respondent No. 4

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 27th FEBRUARY, 2019

ORAL ORDER:

1. The petitioner has raised an objection Under Section 3 H (4) of the National Highways Act. The said application is rejected.
2. It appears that the Competent Authority has relied upon the compromise decree in the civil suit. The compromise was executed when the father was alive. The father is dead. Upon death of the father, the plaintiff also claims to be the legal heir and entitled to the share. According to the respondents, the father has executed the Will. In such case, the competent authority ought to have referred to the dispute to the Court of ordinary original civil jurisdiction as per section 3 H (4) of the National Highways Act.
3. In light of the above, the impugned order is quashed and set aside. The Competent Authority shall refer the dispute to the Principal

Court of original civil jurisdiction along with the amount, if the same is not disbursed as yet.

4. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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