

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

68 WRIT PETITION NO.1254 OF 2018

SANJAY BHAULAL GUSINGE AND ANOTHER ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. V. D. Salunke, Advocate for the Petitioner.

Mr. A. B. Chate, AGP for Respondents-State.

Mr. C. R. Deshpande and Chaitanya C. Deshpande,
Advocates for Respondent No.3.

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

DATED : 10th APRIL, 2019.

PER COURT:-

1. Mr. Salunke, learned counsel for petitioners submits that petitioners have filed objections under Section 3-H(4) of the National Highways Act for the apportionment of the payment. The authority is required to refer the objections to the Principal Court of Original Civil Jurisdiction.

2. We have heard Mr. Deshpande, learned counsel for respondent no.3 also.

3. The learned counsel submits that respondent no.3 has filed Civil Suit bearing R.C.S. No.13/2017 and is pending before the Civil Judge, Junior Division, Badnapur. The lis can be decided in the same.

4. Section 3-H(4) of the National Highways Act mandates that in case of dispute with regard to the apportionment or otherwise, the competent authority has to refer the same to the Principal Court of Original Civil Jurisdiction.

5. In light of that, the competent authority (respondent no.2) shall refer the dispute amongst the petitioner and respondent no.3 to the Principal Court of Original Civil Jurisdiction.

6. It would be appropriate if the Civil Suit filed by respondent no.3 bearing R.C.S. No.13/2017 is decided alongwith reference that would be referred by competent authority to the Principal Court of Original Civil Jurisdiction. Parties may take steps in that regard.

7. Parties may make request to the Court for expeditious disposal of the same.

8. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE