

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5532 OF 2018

BHASKAR EKNATH BHAGWAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Shingare K. F.
AGP for Respondents No. 1 & 2 : Mr. Y. G. Gujrathi
Advocate for Respondents No. 2 & 5 :
Mr. R. B. Bhosale
Advocate for Respondents No. 3 & 4 :
Mr. P. F. Patni

...

WITH

WRIT PETITION NO.5533 OF 2018

BHASKAR EKNATH BHAGWAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shingare K. F.
AGP for Respondents No. 1 & 2 : Mr. S. P. Tiwari
Advocate for Respondents No. 2 & 5 :
Mr. R. B. Bhosale
Advocate for Respondents No. 3 & 4 :
Mr. P. F. Patni

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

DATE: 04th APRIL, 2019

PER COURT :

1. The objections filed by the petitioners under Section 3H(4) of the National Highways Act, 1956 are rejected. The dispute was with regard to title. Under Section 3H(4) of the Act-1956 the dispute with regard to the apportionment in such cases wherein there is dispute with regard to the title has to be referred to the Principal Court of original civil jurisdiction.

2. In the light of above, the impugned order is quashed and set aside. The competent authority shall refer the dispute amongst the parties to the Principal Court of original civil jurisdiction.

3. The withdrawal of the amount would depend upon the decision of the Principal Court of original civil jurisdiction.

4. As the amount is already withdrawn, the withdrawal of the amount would be subject to the decision taken by the Principal Court of original civil jurisdiction. If the Principal Court of

original civil jurisdiction holds that the petitioners are entitled for the amount, then the respondents who have withdrawn the amount will be liable to pay the said amount to the petitioners.

5. Writ Petitions stand disposed of accordingly.

No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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