

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

34 WRIT PETITION NO.6487 OF 2018

PANDURANG JAIKISHANRAO DESHMUKH ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Sharad V. Natu, Advocate for the Petitioner.
Mrs. G. L. Deshpande, AGP for Respondents-State.
Mr. Suhas P. Urgunde, Advocate for Respondent No.3.
Mrs. Sudha S. Kulthe, Advocate for Respondent No.2

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

DATED : 28th JANUARY, 2019.

PER COURT:-

1. Mr. Natu, learned counsel for petitioner submits that the petitioner had filed objection under Section 3 (H) of the National Highways Act, 1956 on 04.01.2017. However, the same is not decided. The learned counsel submits that the authority has to refer the dispute to the Civil Court.

2. Mr. Urgunde, learned counsel for respondents submits that the objection is frivolous. Even the temporary injection application filed by the petitioner in the Civil Suit filed by him is rejected.

3. When the objection is raised under Section 3 (H) of the National Highways Act, 1956, the competent authority has to decide the said application on its own merits, in accordance with the provisions of Section 3 (H) of the National Highways Act, 1956.

4. The authority shall pass the orders on the objection raised by the petitioner in accordance with Section 3(H)(4) after hearing all the parties concerned preferably within a period of three (03) months from the date of appearance of the parties. The parties shall appear before the authority on 11.02.2019. Till the objection is decided by the competent authority, the amount shall not be disbursed. Till the objection is decided, the amount may be kept in fixed deposit.

5. Writ Petition is disposed of. No costs.

(A. M. DHAVAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE