

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

**24 WRIT PETITION NO.9654 OF 2018
WITH CA/7828/2019 IN WP/9654/2018**

KASHINATH SHANKAR BARDE AND ANOTHER ... Petitioners
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS .. Respondents
...

Advocate for Petitioners : Shri Kolse Patil Madhukar G.
AGP for Respondent – State : Shri S.B. Yawalkar
Advocate for Respondent No.3 : Shri A.N. Patale
Advocate for Respondent No.6 : Shri Amol Gandhi h/f.
Shri P.S. Mehta
...

**CORAM: S. V. GANGAPURWALA
AND
AVINASH G. GHAROTE, JJ.**

DATE : 05TH NOVEMBER, 2019

PER COURT :-

1. Heard Mr. Kolse Patil, the learned Advocate for the petitioners. The grievance of the petitioners is that, the amount of the land acquired of the petitioners is not disbursed to the petitioners. Affidavit is filed by the Special Land Acquisition Officer i.e. Sub-Divisional Officer, National Highway Kra - 211, Kannad. Relevant extract of the affidavit reads thus:

‘Hence this case is referred before learned Principal District Judge U/s. 3(H)(4) of National Highways Act, 1956 considering the plea raised by the petitioner.’

2. It has been categorically stated in the affidavit that, the matter is referred to the Principal District Judge under Section 3H(4) of The National Highways Act, 1956. The petitioners will have to prosecute the proceedings referred under Section 3H(4) before the

Principal Court of the Original Civil Jurisdiction as stated in the affidavit. The petitioners are at liberty to put forth their case before the Principal Court of Original Civil Jurisdiction where the matter is referred under Section 3H(4) of the National Highways Act. With these observations, the writ petition is disposed of.

3. In view of the disposal of the writ petition, the intervention application stands disposed of.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Gajanan