

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10843 OF 2019

NATURE WEALTH AGRO EXPORT PVT LTD THROUGH ITS
DIRECTOR AND OTHERS
VERSUS
COMPETENT AUTHORITY AND SUB DIVISIONAL OFFICER
NATIONAL HIGHWAY

Mr.S.V.Natu, Advocate for the petitioners.
Mr.R.R.Bangar, Advocate for respondent No.1.
Mr.T.M.Venjane, Advocate for respondent No.2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/09/2019

PER COURT :

1. I have considered the submissions of the learned Advocates for the respective sides and have gone through the petition paper book with their assistance.

2. Considering the order that I am passing, I am not required to advert to the entire submissions of the learned Advocates.

3. The brief facts of the case are as under :-

[a] As there was a confusion in the sale of the lands in S.Nos. 83 and 90 at Mouje Budhoda, Tal.Ausa, all the parties

came together and requested the TILR to re-measure the lands and carry out the corrections in the revenue records. Consent terms amongst the owners of the respective lands were also signed (undated) for carrying out the measurements.

[b] The measurements were carried out and the petitioners were communicated by the TILR by communication dated 13/06/2008 that the lands occupied by the parties are as per their entitlements and they need to correct the details of the properties in their sale deeds.

[c] The learned Advocate for respondent No.2 denies all the above contentions of the petitioners.

[d] Some of the properties were acquired in a public project.

[e] By the impugned order, the competent Authority has transferred the proceedings to the competent Civil Court by order dated 26/04/2019 passed in it's capacity as a competent authority while dealing with the issue of apportionment of compensation u/s 3(H)(4) of the National Highways Act.

4. Notwithstanding the strenuous contentions of the parties, I find that the disputed issues as are briefly recorded as above, need to be considered by the Civil Court, which would settle the rights of the parties to the apportionment of the amounts of compensation retained by the competent authority. It is not disputed that the litigating sides have received some compensation from the said acquisition.

5. In view of the above, this petition is disposed off. The learned Civil Court would endeavour to decide the proceedings before it, as expeditiously as possible and preferably on or before 31/12/2020. The amount of compensation retained by the competent authority shall be forthwith transmitted to the learned Civil Court, which shall invest the said amount in any Nationalized Bank at the nearest place available.

(Ravindra V.Ghuge, J.)