

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

117 WRIT PETITION NO.11164 OF 2019

SUWARNA RAM DHERE

.. Petitioner

VERSUS

THE UNION OF INDIA AND OTHERS

.. Respondents

...

Advocate for Petitioner : Shri Aashish T Jadhavar
Advocate for Respondents No.1 & 2 : Shri S.S. Deve
Advocate for Respondent Nos.3 to 6 : Shri L.C. Patil

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

DATE : NOVEMBER 13, 2019

PER COURT : -

1. The order passed by the competent authority is assailed. According to the petitioner, the matter has to be referred to the Principal Court of the Original Civil Jurisdiction under Section 3H (4) of the National Highways Act. The competent authority could not have calculated the shares of the respective parties.

2. Mr Patil, the learned counsel appears for respondent nos.3 to 6 and has made his submissions.

3. The shares could have been calculated by the Civil Court. It appears that, there is a dispute with regard to the shares of the

parties in the land acquired. Certainly the Civil Court would be an appropriate forum for deciding the shares of the parties.

4. In light of that, the impugned order is quashed and set aside. The competent authority shall refer the dispute to the concerned Principal Court of Original Civil Jurisdiction within a period of 6 weeks from today. The amount shall be transmitted to the Principal Court of Original Civil Jurisdiction along with the dispute. The amount withdrawn earlier by the parties would naturally be subject to the decision of the Principal Court of Original Civil Jurisdiction.

5. With these observations, the writ petition accordingly disposed of. No costs._

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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