

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10703 OF 2018

LAXMAN PUNDLIK BHALERAU AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Dhage Vaibhav B.
AGP for Respondents No. 1 to 5 : Mr. P. S. Patil
Advocate for Respondent No. 6 : Mr. R. R. Shaikh

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

DATE: 27th MARCH, 2019

PER COURT :

1. The petitioners had filed objections under Section 3H(4) of the National Highways Act, 1956. The same are rejected. The objection filed by respondent no. 6 against the petitioner is referred to the civil Court. The properties it appears acquired of the petitioners and the respondent are adjacent to each other. The objection filed by respondent no. 6 is already referred to the civil Court. Respondent no. 6 is claiming on the basis of Sale Deed, whereas the

reliance is placed by the petitioner on the Partition Deed.

2. It would be appropriate to decide the objections filed by the petitioners and respondent no. 6 by the civil Court if the objection of respondent no. 6 is already referred to civil Court.

3. In the light of above, the impugned order is quashed and set aside. The competent authority shall refer the objections to the civil Court as contemplated under Section 3H (4) of the National Highways Act, 1956. The reference shall be made within a period of four (04) weeks from today.

4. Writ Petition stands disposed of accordingly.
No costs.

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

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