

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11222 OF 2018

Nirmalabai w/o Babanrao Phoke

Petitioner

Versus

The Competent Authority (Land Acquisition)
& Sub Divisional Officer, Kannad,
and others

Respondents

Mr.S.T.Shelke, advocate for the petitioner.
Mr.A.B.Dhongade, advocate for Respondent No.1.
Mr.P.B.Patil, advocate for Respondents No.2, 3 & 4.

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 26th June, 2019**

PER COURT:

1 The petitioner assails the order dated 06.06.2018, passed by the Competent Authority under Section 3H(4) of the National Highways Act, rejecting the objection of the petitioner.

2 The petitioner claims right, title and ownership in respect of the writ land. Respondents No.2 to 4 also claimed right on the basis of revenue entries.

3 It appears that there is dispute in respect ownership and apportionment of the amount. There is no judgment of the Civil Court in the matter. Both the parties are relying upon revenue entries. After the objection of the petitioner is rejected, the amount was already disbursed to Respondents No.2 to 4. In

such a case, the matter is required to be referred to the principal Court of Original Civil Jurisdiction.

4 In the light of above, the impugned order is quashed and set aside. The competent authority shall refer the dispute between the petitioner and Respondents No.2 to 4 to the competent Court of Original Civil Jurisdiction. The same shall be referred within a period of four weeks from today. Upon the Reference being made, the principal Court of Original Civil Jurisdiction shall decide the Reference expeditiously. The respective parties shall co-operate for expeditious disposal of the matter. The amount withdrawn by Respondents No.2 to 4 shall be subject to the decision of the principal Court of Ordinary Civil Jurisdiction in the proceedings referred to by the competent authority. The further course of action shall be taken in consonance with the judgment that would be delivered by the Court of Original Civil Jurisdiction. All the contentions of the respective parties are kept open.

5 Writ Petition is disposed of. No costs.

MANGESH S. PATIL
JUDGE

S.V.GANGAPURWALA
JUDGE

adb/