

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

47 WRIT PETITION NO.11648 OF 2018

BHUJANG DNYANDEV PAWAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Krishan K. Kulkarni, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. S. S. Deve, Advocate for Respondent No.2.

Mr. Santosh N. Patne, Advocate for Respondent No.4.

...

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

DATED : 05th FEBRUARY, 2019.

PER COURT:-

1. The petitioner had filed objection under Section 3(H)(4) of National Highways Act. The objection is rejected.

2. It appears that, there is dispute with regard to the ownership of the particular area of land acquired under the National Highways Act. It is submitted that joint measurement had been carried out.

3. Section 3(H)(4) provides that if any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom

the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

4. The respondent no.4 has already withdrawn the amount.

5. The impugned order is set aside. The respondent no.2 shall refer the dispute between the petitioner and respondent no.4 to the competent Court of Ordinary Original Civil Jurisdiction. The withdrawal of amount of respondent no.4 shall be subject to the decision of the dispute that is referred to the Civil Court under Section 3(H)(4).

6. Writ Petition is disposed of. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE