

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.14416 OF 2019

SACHIN SHIVAJI MOHITE THROUGH LRS KAVITA SACHIN MOHITE
AND ANOTHER

VERSUS

THE SUB DIVISIONAL OFFICER AND COMPETENT OFFICE KANNAD
AND OTHERS

...

Advocate for Petitioners : Mr.Ameet R. Vaidya

Advocate for Respondent Nos.2 to 4 : Mr.D.R.Jadhav

...

CORAM : RAVINDRA V. GHUGE, J.

DATE : 18th December, 2019.

PER COURT :-

1. The petitioners are aggrieved by the order dated 06/08/2019 passed by the LAR Court, by which, application Exh.24 filed in LAR No.62/2018, has been rejected.

2. I have considered the submissions of the learned Advocate for the petitioners, learned Advocate on behalf of Respondent Nos.2 to 4, have gone through

the petition paper book and have considered the impugned order in the light of their submissions.

3. The grievance of the petitioners is that, notwithstanding the pendency of the LAR proceedings, they desire to withdraw that portion of the compensation amount, which is undisputedly in their share and no other party could claim a share in the said amount.

4. It appears from the record that because these parties, inclusive of the purchasers who are not family members, could not reach a meeting point that a reference had to be made to the Civil Court under Section 3(H)(4) of the National Highways Act, 1956.

5. Considering the above, I do not find that this petition could be entertained in view of the observations of the LAR Court in the impugned order dated 06/08/2019. This petition, is therefore, disposed off.

6. However, in the event, a situation so occurs

in the proceedings before LAR Court that the share of the petitioners is not disputed by any litigating side, the LAR Court may consider such application filed for the said purpose, on its own merits.

(RAVINDRA V. GHUGE, J.)

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