

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

WRIT PETITION NO. 12253 OF 2018

Tukaram @ Govind Babu Kokare
and others

.. Petitioners

Versus

The Union of India and others

.. Respondents

Shri K. K. Kulkarni, Advocate for Petitioners.

Shri D. G. Nagode, Advocate for Respondent Nos. 1 to 3.

Shri P. R. Katneshwarkar, Advocate for Respondent Nos. 4 and 5

Shri Ganesh V. Patil, Advocate for the Respondent No. 6.

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

DATE : 12TH MARCH, 2019.

FINAL ORDER :

. The whole dispute appears to be with regard to the identity of the property. The petitioners and respondent Nos. 4 to 6 claim that acquire property is owned by them. Various documents are placed on record.

2. According to petitioners the sale deed on record could not establish that the respondent Nos. 4 to 6s' land is not abutting to the Highway. The petitioners also rely upon corrected consolidation record to substantiate that, it was their land abutting to the national highway.

3. According to respondent Nos. 4 to 6 the consolidation said to be corrected at the behest of the petitioners is behind their back

and without notice to them.

4. There appear to be disputed questions of fact with regard to the identity qua ownership of the property. There are various documents on record.

5. Section 3(H)(4) of the National Highways Act requires 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.

6. In the light of the above, the impugned order is quashed and set aside. The competent authority shall refer the dispute amongst the petitioners and respondent Nos. 4 to 6 with regard to payment of compensation amount on account of acquisition of land to the civil court of original jurisdiction within whose jurisdiction the said land is situated within a period of 15 days from today. The parties shall co-operate in expeditious disposal of said proceedings. The competent authority shall also transmit the amount to the Court where the proceedings are remitted. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]