

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14222 OF 2018

Shankar s/o Sadhu Ghodke & others

Petitioners

Versus

The Union of India & others

Respondents

Mr.N.D. Sonavane, advocate for the petitioners.

Mr.S.P.Tiwari, AGP for Respondent State

Mr. Kore Ganesh J. for respondent No.4

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CORAM : **S. V. GANGAPURWALA**

& ARUN M. DHAVALA, JJ.

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(Date: March 29, 2019)

PER COURT :-

1 The objection filed by the petitioners under section 3H(4) of the National Highways Act is rejected.

2 The land was acquired under the provisions of the National Highways Act. The petitioners raised objections. Some petitioners claim their rights pursuant to the registered sale deeds and some pursuant to the agreements entered on Rs.30 bond papers by the present respondent No.4. It is their contention that respondent No.4 applied for transferring the said land in favour of the petitioners.

3 We have heard the learned counsel for the petitioners and the learned AGP and Mr. Kore, learned counsel for respondent No.4.

4 Considering the provisions of section 3-H(4) and the issue involved in the matter, the competent authority ought to have referred the dispute to the Principal Court of original civil jurisdiction under section 3-H(4) of the National Highways Act.

5 In the light of above, the impugned order is quashed and set aside. The competent authority shall refer the dispute to regarding the apportionment of the payment, as per Section 3-H(4) of the National Highways Act to the Principal Court of Original Civil Jurisdiction. If the amount is not yet disbursed to respondent No.4, then the said amount shall also be transmitted to the Court of original Civil Jurisdiction where the dispute is to be referred.

6 Writ petition is accordingly disposed of.

(ARUN M. DHAVAL, J) (S. V. GANGAPURWALA, J)

vbd