

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
913 WRIT PETITION NO.13951 OF 2018**

BABUBEE GOREKHA PATHAN

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sushil M. Biyani, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

Mr. S. V. Adwant, Advocate for Respondent No.2.

Mr. Ravindra M. Deshmukh, Advocate for Respondent Nos.4 and 5.

Mr. M. A. Khan, Advocate for Respondent Nos.6 to 8.

...

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

DATED : 13th FEBRUARY, 2019.

PER COURT:-

1. We heard learned counsel for the respective parties.

2. The petitioner had raised an objection under Section 19 (C) of the Maharashtra Highways Act. The competent authority rejected the objection.

3. It is contended that the petitioner had filed a suit for partition and separate possession and the same is pending. It is also contended that the present petitioner has filed a suit for injunction and brother of the petitioner has filed suit for partition and separate possession.

4. There appears to be dispute with regard to the title and entitlement of the compensation

amount.

5. In view of Section 19 (C)(4), 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 Land Acquisition Officer 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. The competent authority could not have decided the dispute of the title.

6. In light of the above impugned order is quashed and set aside. The respondent-competent authority shall refer the dispute to the competent court of original civil jurisdiction where the land is situated preferably within a period of six weeks. The amount shall be remitted to the concerned Civil Court which shall be kept in fixed deposit and shall be disbursed as per the judgment of the Court. If the amount is already withdrawn by the respondents, then the same shall be subject to the decision of the Civil Court where the dispute is referred to.

7. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE