

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

WRIT PETITION NO. 122 OF 2019

Babasaheb Hiralal Chavan and others .. Petitioners

Versus

Mohammad Nadim Ul Haq and others .. Respondents

Shri Pradeep Deshmukh, Advocate h/f Shri Anand Kawre,
Advocate for Petitioners.

Shri Rameez Raja Sk. Maqsood Shaikh, Advocate for the
Respondent No. 1

Shri S. B. Yawalkar, Addl. G. P. for the Respondent No. 11.

Shri Ambar S. Barlota, Advocate for the Caveator.

CORAM : S. V. GANGAPURWALA, J.

DATE : 12TH JULY, 2019.

FINAL ORDER :

. Mr. Deshmukh, the learned counsel submits that, the petitioners are concerned with the 10R land acquired. The reference was made to the principal Court of original civil jurisdiction by the competent authority amongst the respondents interse. The petitioners filed an application for stopping the payment. Said application is rejected on the ground that the petitioners are not parties. According to the learned counsel, the right, title and interest of the petitioners in the acquired land is involved. The petitioners are entitled for the compensation of the 10R land acquired. The civil suit is filed by the petitioners

bearing R.C.S. No. 557/2018.

2. I have also heard the learned advocates for respondents.

3. As the petitioners are not parties in the reference made by the competent authority U/Sec. 3(H)(4) of the National Highways Act, certainly the application filed by the petitioners before the Court was not tenable. No error has been committed by the Court while negating the application of the petitioners. The petitioners have already filed substantive civil suit. The petitioners have remedy available. The petitioners may take recourse to the remedy as is available to them.

4. In view of the above, the writ petition is dismissed. No costs.

[S. V. GANGAPURWALA, J.]

bsb / July 19