

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

WRIT PETITION NO. 4845 OF 2019

Arun Bhimrao Ghorpade
Age: 66 years, Occu.: Pensioner & Business,
R/o. S. T. Colony, Tuljapur, Tal. Tuljapur,
Dist. Osmanabad ... Petitioner

Versus

- 1 The State of Maharashtra
Through the Principal Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.
- 2 The Competent Authority
Land Acquisition (Manjra Prakalp)
Osmanabad
- 3 The Project Director
National Highway Authority of India,
Nanded, Tq. Nanded Dist. Nanded.
4. Deepak Bhimrao Ghorpade
Age: 60 years, Occu.: Agri & Business,
R/o. Near Lohiya Mangal Karyalaya,
Tuljapur, Tal. Tuljapur,
Dist. Osmanabad ... Respondents

....

Mr. K. K. Kulkarni, Advocate for petitioner.
Ms. G. L. Deshpande, AGP for respondent No.1-State.
Mr. A. B. Dhongade, Advocate for respondent No.2.

....

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ**

DATED : 22nd APRIL, 2019

PER COURT:-

- 1 Heard learned counsel for the petitioner and learned AGP for respondent No.1.

2 Since, the order passed is innocuous, we are not issuing notice to respondent Nos. 3 and 4. By consent, the petition is heard finally at this stage.

3. It is the case of the petitioner that the compensation which will be awarded by respondent No.2 against the land being Plot No.10 CTS No.2502, Survey No.140 at Tuljapur, Tq. Tuljapur is co-owned by the petitioner. As such, he claimed that he is entitled for part of the compensation. According to him, respondent No.2 is likely to release compensation in favour of respondent No.4 without going into the issue of entitlement of the petitioner for the same.

4. Needless to say that in case of dispute about apportionment of compensation, the statutory authority under the National Highways Act, 1956, can refer the dispute to the competent civil Court. In that view of the matter, Mr. Dhongade, learned counsel submits that if the objection raised by the petitioner is decided against the petitioner, the respondent No.2 shall not release the amount for a period of four weeks from the date of communication of such order passed on the objection raised by the petitioner.

5. Since the submission is made by learned counsel Mr. Dhongade on instructions, the same is accepted.

6. The petition stands disposed of accordingly.

(NITIN W. SAMBRE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

SMS