

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (STAMP) NO.14231 OF 2019

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Gangaram Govind Boble
since deceased through L.Rs.
Suresh Gangaram Boble & Anr.
V/S

....Petitioners

Union of India & Ors.

....Respondents

...

Mr. Shailendra S. Kanetkar a/w Mr. Nikhil R. Dongre for the Petitioner.
Ms. S.S. Bhende, AGP for Respondent No.2/State.
Mr. Pradeep Dalvi for Respondent No.3.

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**CORAM : A.A. SAYED &
PRAKASH D. NAIK, JJ.**
DATE : 16 OCTOBER 2019.

ORDER:

1 In view of the judgment and order passed by the Division Bench of this Court in **Arun s/o Trimbakrao Lokare vs. State of Maharashtra, 2017 (6) Mh.L.J. 612** and the judgment and order dated 14 December 2018 in **Shri Rajaram Waman Rane & Ors. vs. Shri Ramkrishna Mahadev Rane & Ors**, in **Writ Petition No.6919 of 2018**, and since there is a dispute as regards apportionment of compensation, we direct the Respondent No.2 Competent Authority cum Sub Divisional Officer, Khed, to refer the dispute to the Principal Civil Court of original jurisdiction where the land in question is situate within the meaning of section 3H(4) of the National Highways Act, 1956.

2 It is an admitted position that 50% of the compensation is already been disbursed to the Respondent No.3. According to the Respondent No.3, the balance 50% should also be disbursed to him as the Petitioner has relinquished his rights in the land in question by a registered Deed of Relinquishment and the Respondent No.3 is the exclusive owner. The case of the Petitioner however is that the said Deed of Relinquishment was executed by him on misrepresentation and fraud being practiced by the Respondent No.3

3. We direct Respondent No.2 Competent Authority-cum-Sub Divisional Officer to deposit the balance 50% amount of compensation before the Principal Civil Court within a period of three weeks from the date of a copy this order being placed before him. We grant liberty to the parties to apply before the Principal Civil Court for withdrawal of the deposited amount by filing Interim Application/s, which shall be decided by the Principal Civil Court in accordance with law. We make it clear that we have not entered into the merits of the matter and the Principal Civil Court shall decide the Application/s without being influenced by this order.

4. The Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)