

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10390 OF 2016

Shri Sanjuay Madhav Bhide .. Petitioner
Vs.
The State of Maharashtra .. Respondent

Mr. Siddhesh Pilankar I/b U. P. Warunjikar for the Petitioner.
Mrs. P. H. Diwan, AGP for the Respondent No.1.
Mrs. M. M. Das for Respondent No.2.

CORAM : R. M. BORDE & V. L. ACHLIYA, JJ.
DATE : 22nd JANUARY, 2019.

P. C. :

1. According to the Petitioner, he has interest in the land bearing Survey No.151 admeasuring 55 R situated at village Kalhe, Taluka-Panvel, District-Raigad which has been acquired for construction of National Highway. The Petitioner contends that the Respondent No.2 is not entitled to receive the compensation, however, the same has been disbursed in his favour. An application seeking reference of the matter to the Authority was tendered by the Petitioner to the Collector, however, the same has been rejected by an order dated 07.07.2016. The Competent Authority has dealt with the issue of entitlement of the parties and has considered issues which fall exclusively within jurisdiction of Civil Court. It appears that the amount of compensation has been disbursed to Respondent No.2 before the receipt of application seeking reference of the matter. In any case, in view of provisions of Section 3H(4) of the National Highways Act,

the dispute raised by the Petitioner shall have to be referred for adjudication to the Principal Civil Court of original jurisdiction within whose limits the land is situated. In view thereof, while setting aside the order passed by the Competent Authority in respect of refusal to refer the matter for adjudication to the Civil Court, in view of Section 3H(4) of the National Highways Act, 1956, we direct the Competent Authority to refer the dispute to the Principal Civil Court of original jurisdiction within whose limits the land is situated. Steps shall be taken within eight weeks from today.

2. In view of the directions as recorded above, the Writ Petition is disposed of.

[V. L. ACHLIYA, J.]

[R. M. BORDE, J.]