

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1311 OF 2018

Shantabai w/o Ashok More and Ors.

...Petitioners

Versus

Union of India and Ors.

...Respondents

Mr Milind Patil, Advocate for Petitioners

Mr A.G. Talhar, A.S.G. for Respondent Nos. 1 and 2

Mr P.V. Barde, Advocate for Respondent Nos. 3 and 4

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 23rd OCTOBER, 2020

PER COURT :

1. The present petitioners had filed an objection under Section 3-H (4) of the National Highways Act before the competent authority. The compensation was sought to be paid to the present respondent Nos. 3 and 4. The petitioners claim their ownership on the basis of the registered sale deed.

2. Mr Barde, the learned Counsel for the respondents submits that respondent Nos. 3 and 4 are owners of the property. Their names are recorded in 7/12 extract as owner and possessor. The petitioners have not placed on record any document to show their ownership.

3. At present, the petitioners are claiming ownership on the basis of the registered instrument. There was some boundary dispute raised

wherein the civil suit bearing RCA No. 134 of 2002 was filed and the said suit came to be decreed. There was an appeal filed, the matter was remanded back and the suit is pending.

4. The respondents are also claiming ownership. To support their contention, they have placed on record the 7/12 extract.

5. It appears from the record that there is a dispute with regard to the title. In such a case, the competent authority was required to refer the dispute to the Principal Court of original civil jurisdiction as contemplated under Section 3-H (4) of the National Highways Act.

6. In light of the above, the impugned order is quashed and set aside. The competent authority shall refer the dispute to the concerned Court of original civil jurisdiction within a period of four weeks from today. Upon receipt of the dispute, the Principal Court of original civil jurisdiction shall decide the dispute amongst the parties expeditiously.

7. Parties shall co-operate in expeditious disposal of the said proceedings.

8. The writ petition accordingly stands disposed of with the above observations and directions.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]