

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

WRIT PETITION NO.3405 OF 2020

SARUBAI RAMNATH JADHAV THROUGH GPA UTTAM PANDHARINATH
JADHAV
VERSUS
KADU BANDU PARAD AND OTHERS

...

Advocate for the Petitioner : Shri Nagargoje Prashant M.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th February, 2020

Per Court:

1 The petitioner, original appellant before the first Appellate Court in RCA No.195/2017, is aggrieved by the order dated 17.01.2020 passed by the learned District Judge-13, Aurangabad by which, the applications exhibits 1, 8 and 9 filed for seeking addition of parties, have been rejected.

2 Grievance is that the petitioner had earlier approached this Court in Writ Petition No.5013/2019. The learned Division Bench has passed an order on 25.04.2019 recording that the petitioner desires to withdraw the petition and move the Appellate Court. The learned Division Bench observed that if an application for injunction is moved by the petitioner, it should be decided expeditiously. It is admitted that such an

application for injunction is yet to be filed.

3 The petitioner contends that during the pendency of the appeal, the notice was published by the acquiring body under the National Highways Act, 1956 indicating its intention to acquire certain lands falling under the National Highway-211 for the stretch of land in Aurangabad district. This notice is dated 16.07.2019. The objections from the aggrieved persons have been called.

4 Instead of approaching the appropriate authority under the National Highways Act, the petitioner has moved the applications praying for addition of the Competent Authority, Road Transport, Solapur Dhule National Highway-211, as a respondent and further prayed that the said authority should be directed not to disburse the amount to the respondents. The Appellate Court has rejected the said applications on the ground that the objectors have a remedy under the National Highways Act and they should resort to the said remedy.

5 I find that under the National Highways Act, the intention of acquiring the land having been declared by a public notice, is just the beginning of the acquisition process. There are several stages by which, the competent authority crystallizes the rights of the parties and decides the quantum of compensation. If, at the time of disbursement of compensation under Section 3-H(4), there is any dispute amongst the claimants, the matter is referred to the Trial Court.

6 The petitioner probably desires to implead the competent authority so as to apply the breaks on the acquisition process by making an issue that the matter is sub-judice. Such ulterior motives cannot be entertained by the Court and more so, when a clear procedure is prescribed in law and is in place to be followed by such claimants.

7 This Writ Petition, being devoid of merit is, therefore, dismissed. Registry shall forward a copy of this order to the learned Court, in RCA No.195/2017.

kps

(RAVINDRA V. GHUGE, J.)