

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

WRIT PETITION NO.3020 OF 2020

Balaji Khanduji Ghallappa

.. Petitioner

Versus

The Sub Divisional Officer,
Hadgaon and ors.

..Respondents

Mr R.N. Chavan, Advocate for petitioner
Mr Amol Patole, Advocate for respondent no.1
Mr S.B. Yawalkar, Addl.G.P. for respondent no.2
Mr M.D. Narwadkar, Advocate for respondents no.3 and 4

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

DATE : 20th February 2020

ORAL ORDER :

1. At the request of learned Counsel for petitioner, leave to correct the nomenclature of respondent no.1.
2. Learned Counsel submits that objection has been raised by the petitioner under Section 3H (4) of the National Highways Act. The same is not yet decided. The competent authority is required to refer the dispute to the Civil Court.
3. Learned Counsel Mr Patole accepts notice for respondent no.1, learned A.G.P. for respondent no.2.
4. Learned Counsel Mr Narwadkar for respondents 3 and 4 submits that the proceedings under Section 3H (4) of the Act are not decided.
5. The objection filed by the petitioner be treated as objection under Section 3H (4) of the National Highways Act. In case the objection is filed by the petitioner under Section 3H (4) of the National Highways Act is pending with respondent no.1, then respondent no.1 shall take decision upon

it on its own merits, after hearing the parties concerned, preferably within three months.

6. Writ Petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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