

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

WRIT PETITION NO. 7449 OF 2020

Sangram S/o Raghunath Dagadgave,
Age : 30 Years, Occu. : Agril.,
R/o Khedkarwadi, Tq. Loha,
Dist. Nanded.

.. Petitioner

Versus

1. The Union of India,
Through Ministry of Road Transport
and National Highways, New Delhi.

2. The Competent Authority/
Sub Divisional Officer, (Land
Acquisition Officer) Kandhar,
Dist. Nanded.

3. Sau. Mankarnabai Ganesh Khedkar,
Age : 42 Years, Occu. : Agril.,
R/o Khedkarwadi, Tq. Loha,
Dist. Nanded.

.. Respondents

Shri Anil M. Gaikwad, Advocate for the Petitioner.

Shri A. B. Dhongade, Advocate for Respondent Nos. 1 and 2.

Shri G. G. Suryawanshi, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 02ND NOVEMBER, 2020.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. Mr. Dhongade, the learned advocate waives notice for respondent Nos. 1 and 2. Mr. Suryawanshi, the learned advocate waives notice for the respondent No. 3. Taken up for final hearing with the consent of

parties.

2. The learned advocate for the petitioner submits that, the civil dispute between the parties is pending before the Civil Court. The petitioner has filed the civil suit. So also the respondent No. 3 has filed civil suit and the Civil Court has directed status quo to be maintained.

3. The learned counsel for the respondent No. 3 also admits that the Civil Court has passed an order for maintenance of status quo as there is dispute in respect of title.

4. The Competent Authority under the National Highways Act has rejected the application basically on the ground that the petitioner did not raise objection to the notification U/Sec. 3A and 3D of the National Highways Act.

5. As the learned counsel for the respondent No. 3 submits that, the dispute is pending before the Civil Court and the matter is required to be sent to the competent Civil Court of original jurisdiction, we pass the following order.

6. The impugned order is quashed and set aside. The Competent Authority is directed to refer the dispute to the competent principal court of original civil jurisdiction. The amount shall be sent to the Civil Court.

7. The principal court of original civil jurisdiction shall after

conclusion of proceeding direct payment of amount of compensation in tune with the decision taken by it. It is for the principal court of original civil jurisdiction to consider pendency of other proceedings and to take appropriate steps.

8. Rule accordingly is made absolute in above terms. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 20