

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.17 OF 2020

(Pratap s/o Saoji Ghorpade Vs. State of Maharashtra Competent Authority under
Nation Highway Act, 1956 i.e. Sub-Divisional Officer @ Land Acquisition Officer and
others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri G.M. Kubade, Advocate for Petitioner.
Shri A.M. Balpande, AGP for Respondent No.1.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 13th JANUARY, 2020.

1] The petitioner is aggrieved by the order dated 12.04.2019 vide which it has referred a dispute to the Civil Court under section 3H(4) of the National Highways Act, 1956.

2] The grievance of the petitioner is that he was the only claimant, being the owner of the land, before the appropriate authority upto the stage of section 3H(2). The Competent Authority did not exercise its jurisdiction under section 3H(2) and failed to disburse the amount which it should have at that stage itself as there was no dispute and there were no claimants with regard to compensation payable for acquisition of 20 R land. However, the Competent Authority proceeded thereafter and merely because a fictitious claim was made at the stage of section 3H(4), it has referred the dispute to the Civil Court. An amount of Rs.34,64,089/- deposited with the

Competent Authority has not been forwarded to the Civil Court.

3] The learned AGP points out that a Regular Civil Suit No.8/2015 between the petitioner and other litigating parties, is *sub judice* before the Civil Court since 2015.

4] I called upon the learned Advocate for the petitioner to state as to whether the 20 R land acquired by the acquiring body which is a subject matter of this petition, is the suit property in the 2015 suit. The learned Advocate submits that the said land admeasuring 20 R is one of the several suit properties in the 2015 suit.

5] Considering the above, I do not find that the impugned order of the Competent Authority could be branded as being perverse or erroneous. This petition, being devoid of merit, is therefore, dismissed.

6] Needless to state, the Competent Authority respondent no.1 is expected to transfer the amount to the Civil Court in view of the impugned order and the Civil Court shall thereafter invest the said amount in a fixed deposit receipt in a nationalized bank, subject to further orders being passed in the said suit.

7] The parties are at liberty to seek the clubbing of the new suit, in view of the impugned order, with Regular Civil Suit No.8/2015.

(Ravindra V. Ghuge, J.)