

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

WRIT PETITION NO.2489 OF 2020

**TUKARAM VITTHAL SHINDE AND OTHERS
VERSUS
THE NATIONAL HIGHWAY'S AUTHORITY OF INDIA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for Petitioners : Mr. Shelke Manoj U.
AGP for Respondent – State : Mr. S. G. Sangle
Standing Counsel for Respondent No.3 : Mr. Mr. S. S. Deve
Advocate for Respondent No.2 : Mr. D. S. Manorkar

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**CORAM : RAVINDRA V. GHUGE AND
S. G. MEHARE, JJ.**

DATE : 22nd OCTOBER, 2021

PER COURT :

1. The petitioners have put forth prayer clause (B), which reads as under:-

“B) By issuance of writ of mandamus or writ or order or direction in like nature, the respondent No.3 may kindly be directed to pay an amount of compensation under the Award dated 05-12-2015 to the petitioners as per the consent deed dated 04-07-2016 and the Judgment and Decree dated 18-12-2015 passed by the Ld. Civil Judge Senior Division, Beed in the Regular Civil Suit No. 419/2015; for that purpose issue necessary directions.”

2. The petitioners had approached respondent No.3 and the District Collector, Beed, with a representation dated

12-09-2019. In paragraph No.2 of internal page No.2 of the representation, it is specifically admitted by these petitioners that respondent No.3 dealt with their objections and paid the entire compensation amount to respondent Nos. 4, 5 and 6. These three respondents are now disputing the claim of the petitioners and are refusing to part with their shares.

3. It is apparent before us, by virtue of the record available, that there seems to be a disagreement between the six petitioners and the three respondents, with regard to the sharing of the amount of compensation. This dispute is, therefore, of civil nature and the petitioners desire that this Court should exercise its extra ordinary powers under Article 226, to decide whether these nine persons have right to equal share in the compensation amount, whether three respondents have gobbled up the shares of the petitioners and whether this Court should direct these three respondents to re-deposit the amount with respondent No.3, so as to facilitate a resolution of their dispute as regards the apportionment of shares. We are afraid that the extra ordinary powers of this Court cannot be exercised in these sets of disputed factors.

4. This petition is, therefore, dismissed.

5. Needless to state, the petitioners cannot be rendered

remediless. If they have a remedy for recovery of their shares from respondent Nos. 4 to 6, they would be at liberty to do so. The time spent by the petitioners in this Court from 04-02-2020 till the passing of this order today shall be a good ground for condonation of delay.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)