

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6432 OF 2020

Suresh Baburao Hapgunde and others ... Petitioners

VERSUS

Dhondabai Dattarao Deshmukh died through
LRs Balaji Dattatrao Deshmukh and others ... Respondents

Mr S.S. Gangakhedkar, Advocate for petitioner;
Mr A.B. Dhongade, Standing Counsel for respondent No.49

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

DATE : 13th July, 2021

P.C.

1. We have considered the strenuous submissions of the learned Advocate for the petitioners and the learned Advocate on behalf of respondent no. 49 which is the Land Acquisition Officer and Competent Authority, Land Acquisition, National Highway. With their assistance, we have gone through the petition paper book and have threadbare considered the impugned order dated 26.03.2020 passed under Section 3 H (4) of the National Highways Act, 1956.

2. We are informed that the petitioners have filed Regular Civil Suit No. 295 of 2019 seeking a declaration of ownership and title over the suit properties falling in Gat nos. 194, 220 and 222 at Mouje Pardi (M), Taluka – Ardhapur, District – Nanded. We are also informed that the amount of

compensation with regard to Gat nos. 220 and 222 have already been disbursed to those beneficiaries whose rights were established before the Competent Authority under section 3 G and 3 H of the National Highways Act, 1956.

3. The learned Advocate for the petitioners submits on the basis of the record that today the petitioners have no revenue records to indicate their right, title or interest in Gat nos. 194, 220 and 222. He, however, hastens to add that the forefathers of these petitioners had some interest in those properties. Therefore, Regular Civil Suit No. 295 of 2019 has been filed.

4. We find from the impugned order that as the petitioners could not produce any such revenue record which would even remotely indicate their right, title and interest in any of these three Gat numbers, the Competent Authority noticed that the objections raised by these petitioners, were baseless. Hence, the impugned order.

5. We, therefore, do not find any fault with the impugned order. Nevertheless, since Regular Civil Suit No. 295 of 2019 is pending and is the litigation initiated by these petitioners with the hope of establishing some right, title or interest in any of the Gat nos. 194, 220 and 222 which were earlier identified as old Survey nos. 61 and 62 at Mouje Pardi (M), Taluka – Ardhapur, District – Nanded, that we leave it open to the petitioners to agitate their claims in the said suit.

6. We are not interfering with the disbursement of the compensation amounts with regard to these three Gat numbers. However, to balance the equities, we deem it appropriate to record that in the event these petitioners establish any right, title or interest in the litigation commenced through Regular Civil Suit No. 295 of 2019, the amount disbursed to the beneficiaries by the Competent Authority under Section 3 G and 3 H of the National Highways Act, 1956 shall be subject to the result of such litigation. We also make it clear that if any of the beneficiaries are not parties to the pending Civil Suit, they would be exempted from this condition.

7. The Writ Petition is disposed off.

[S.G. MEHARE, J.]

[RAVINDRA V. GHUGE, J.]

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