

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

WRIT PETITION NO. 9205 OF 2021

Sanjay Fulchand Bhandari .. Petitioner

Versus

The Sub Divisional Officer/Competent
Authority and others .. Respondents

Shri Vinayak S. Bedre, Advocate for the Petitioner.
Shri R. B. Bhosale, Advocate for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 23RD AUGUST, 2021.

FINAL ORDER :

. The objection filed by the petitioner U/Sec. 3-H(4) of the National Highways Act is rejected.

2. We have heard Mr. Bedre, the learned advocate for the petitioner.

3. The petitioner had filed civil suit for declaration of his title and injunction. The suit is dismissed. The petitioner has filed an appeal. The same is pending.

4. Prima facie, according to us, the competent authority has not committed any error while passing the impugned order. The competent civil Court has negatived the claim of the petitioner of

title.

5. In case appeal is pending, the petitioner ought to have sought relief in pending appeal. The learned counsel submits that, the petitioner has already filed an application in the pending appeal at Exhibit 26. Same is not yet decided. The petitioner may prosecute his application in the pending appeal before the District Court. Naturally, the District Court would consider the urgency of the petitioner and pass orders on its own merits, expeditiously.

6. In the light of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug.21