

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

37 WRIT PETITION NO.9873 OF 2021

JAMAL RASUL SHAIKH AND OTHERS ..PETITIONERS

VERSUS

THE CENTRAL GOVERNMENT, THE NATIONAL HIGHWAY
AUTHORITY AND OTHERS ..RESPONDENTS

...

Mr. Amol K. Gawali, Advocate for the Petitioners.

Mr. S. P. Tiwari, AGP for Respondents-State.

Mr. A. G. Talhar, Advocate for Respondent No.1.

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

DATED : 06th SEPTEMBER, 2021.

PER COURT:-

1. Mr. Gawali, learned counsel for petitioners submits that dispute between petitioners and contesting respondents exist and is subjudice before the Civil Court in Civil Suit filed by petitioners.

2. The learned counsel further submits that, objections have been raised by petitioners. The Competent Authority has to refer the said dispute to the Civil Court. Instead of doing it, the Competent Authority is deciding the said issue on his own. He does not have jurisdiction to do so.

3. The Competent Authority can take a decision whether the matter is required to be referred to

the Civil Court or not. It would be too premature to entertain the present writ petition and pass orders one way or other.

4. Mr. Talhar, learned A.S.G. on instructions submits that, within a period of four weeks the objections raised by petitioners would be decided and till that time the amount would not be disbursed to any party.

5. In light of that, passing orders one way or other would be preempting the orders of the Competent Authority.

6. In view of the statement made by learned A.S.G., writ petition is disposed of.

7. All contentions are kept open. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE