

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

WRIT PETITION NO. 11139 OF 2019

Sairabee Shaikh Nabi

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Rahul A. Tambe, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondent No. 1.

Mr. S. V. Adwant, Advocate for Respondent No. 2.

Mr. S. S. Joshi, Advocate for Respondent No. 3.

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

DATED : 23rd JULY, 2021.

PER COURT:-

. Mr. Tambe, learned counsel for the petitioner submits that the impugned order passed is not in consonance with the true facts. The name of the petitioner appeared in Schedule 16 as one of the co-holders of land Gut No. 117. The learned counsel further submits that in the affidavit filed by respondent No. 2 before this Court, the respondent No. 2 has admitted that the appropriate authority has informed the District Judge, Aurangabad that there requires a correction in Schedule 16 and though the name of the petitioner appeared as one of the co-holders of land Gut No. 117, the name of the petitioner did not appear in the award because of inadvertent mistake.

According to the learned counsel as the respondent No. 2 has admitted his mistake, the impugned order be set aside.

2. Mr. Adwant, learned counsel for respondent No. 2 submits that the matter is now subjudice before the District Judge under Section 19 (C) (4) of the Maharashtra Highways Act.

3. As the matter is now subjudice before the District Judge under Section 19 (C) (4) of the Maharashtra Highways Act, the petitioner can appear before the District Judge and make a proper application, which application naturally the District Judge would consider on its own merits. The petitioner can refer to the affidavit filed by the respondent No. 2 in the present petition.

4. With the aforesaid observations, writ petition is disposed of. No costs.

5. Needless to state that, the District Judge where the dispute is pending would consider the application of the petitioner expeditiously.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.