

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 150 OF 2021
IN
MISC. CIVIL APPLICATION NO.126 OF 2021(REVIEW)
IN
WRIT PETITION NO.5371 OF 2019

Ashutosh Vishnu Kankal and anr.

Vs.

Collector, Washim and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Rahul S. Kurekar, Advocate for petitioners.
Shri A. S. Fulzele, Addl. G. P for respondent nos. 1 and 2.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 18/02/2021

Heard. For the reasons stated in the
application, application is allowed.

Review application be registered and listed
on Board on today forthwith and taken up on Board for
hearing forthwith.

Civil Application is disposed of.

Misc. Civil Application No.126/2021

Although review of the order dated
11.03.2020 passed by this Court in the original Writ
Petition No. 5371 of 2019 has been sought, it is conceded
by the learned counsel for the review applicant that the

dispute here is about the Section under which alternate remedy could be available. In the order passed by us it has been mentioned that such an alternate remedy is available under Section 3G(5) of the National Highways Act, 1956, whereas the learned counsel for the applicant submits that it is actually available under Section 3-H(4) of the National Highways Act, 1956. If this is so, the alternate remedy available under Section 3-H(4) being statutory, it would always be available to a party raising a dispute under it, if the dispute otherwise falls within the scope and authority of Section 3-H(4) of the National Highways Act, 1956.

Therefore, we do not find that there is any need for allowing this application and it is disposed of with the above referred observations.

JUDGE

JUDGE