

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7582 OF 2021

Hausabai w/o Macchindra Mudal & others

Petitioners

Versus

State of Maharashtra & others

Respondents

Mr. U. U. Wagh, Advocate for the petitioners.

Mr. P. K. Lakhotiya, AGP for respondent No. 1.

Mr. M. A. Golegaonkar, Advocate holding for Mr. S. S. Deve, Advocate
for respondent No. 2.

**CORAM : RAVINDRA V. GHUGE &
S. G. DIGE, JJ.**

DATE : 22nd APRIL, 2022.

PER COURT :

1. The petitioners have put forth prayer clauses 'B' and 'C'
as under :-

*B) Quash and set aside impugned order dated
14.06.2021 passed by Sub Divisional
Officer/Competent Authority, Nagar Division,
Ahmednagar.*

*C) Issue Writ of Mandamus or Writ, Order or
directions in the like nature to respondent no. 2 refer
the dispute to Civil Court as per Section 3-H(4) of*

National Highway Act and direction to respondents to recover the amount disbursed in favour of respondent no. 13 as compensation for acquisition of land out of Gut No. 527/1 and 527/2 at village Aarangaon Tq. & Dist. Ahmednagar and same to be deposited before this Hon'ble Court or before Civil Court.

2. The issue is that the petitioners are litigating with reference to the lands Gat No. 527/1 and 527/2 admeasuring 500 sq. mtrs. which have been acquired for the purpose of National Highway No. 222. The grievance of the petitioners is that the title holder was Walhabai who died on 22nd August, 2017. On the same day, her son Shankar prepared a notarised will-deed and has grabbed the entire land by depriving the other legal heirs of the deceased. As such, the petitioners are litigating in Regular Civil Suit No. 297/2018.

3. By this petition, the petitioners contend that the concerned authority has disbursed the amount in undue haste and the authority should be directed to recover the amount and deposit the same in this Court or before the civil Court. The dispute raised

by the petitioners should also be referred under Section 3-H(4) of National Highway Act, to the concerned Court.

4. We find that the petitioners' rights are yet to be crystalised. They are seeking a declaration that the will is forged and not binding on them. Until their rights are crystalised, this Court cannot consider such disputed issues while exercising writ jurisdiction.

5. In view of above, this petition being devoid of merit, stands dismissed.

(S. G. DIGE)
Judge

(RAVINDRA V. GHUGE)
Judge

dyb