

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

WRIT PETITION NO. 6797 OF 2021

Shivaji Harishchandra Chate .. Petitioner

Versus

The Union of India and others .. Respondents

Shri Sambhaji G. Munde, Advocate for the Petitioner.

Shri B. M. Dhanure, Standing Counsel for the Respondent Nos. 1 and 3.

Mrs. V. N. Jadhav Patil, A.G.P. for the Respondent No. 4.

Shri S. S. Thombre, Advocate for the Respondent No. 5.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 15.09.2022.

FINAL ORDER :-

. Heard both the sides finally.

2. The petitioner is raising a dispute as to his entitlement to receive the compensation determined under Section 3-G of the National Highways Act, 1956 (for short “the Act”).

3. The petitioner had filed an objection with the Competent Authority on 07 November 2019. Instead of following a course as contemplated under Section 3-H(4) of the Act, the competent authority by the impugned order has undertaken a scrutiny of the rival claims on merits and has even proceeded to decide it finally.

4. The issue is no more *res-integra*. This Court in the case of **Arun Trimbakrao Lokare Vs. The State of Maharashtra** reported in **2017(6) Mh.L.J. 612** has elaborately considered the law and the modalities to be followed by the competent authority, *inter alia* holding that competent authority has no jurisdiction to undertake any enquiry into the rival claims and is supposed to forward the dispute to the Civil Court of original jurisdiction.

5. The impugned order having been passed in violation of the law, is liable to be quashed and set aside with the direction to forward the dispute as is contemplated under Section 3-H(4) of the Act and the decision in the matter of **Arun Trimbakrao Lokare** (supra).

6. The petition is allowed. Order of the competent authority is quashed and set aside. The competent authority shall now take appropriate steps in the light of the observations made above as early as possible and in any event within a period of four (04) weeks from today.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 22