

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

WRIT PETITION NO.8196 OF 2022

**VITHALRAO BABARAO PATANGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Pathan Hamzakhan I.
AGP for the Respondents/State : Shri S.K. Tambe

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**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 19th August, 2022

Per Court :-

1. By an earlier order passed by this Court dated 09.08.2021 in Writ Petition No.3089 of 2020 and Writ Petition No.2469 of 2020, the dispute between the parties was transmitted to the Principal Civil Court of original jurisdiction under Section 3H(4) of the National Highways Act, 1956. The compensation amounts were also transmitted to the said Court so as to be invested in Fixed Deposit Receipt with a Nationalised Bank. All the contentions of the litigating parties were kept open.

2. The petitioner contends that the Competent Authority/Sub-Divisional Officer cum Land Acquisition Officer,

Nanded had dealt with the issue of compensation to be paid to the extent of the house construction erected by the petitioner in the suit land. It was concluded that compensation amount to the extent of the construction area should be deposited in the account of the present Petitioner through RTGS. The grievance of the Petitioner is that this direction has not been complied with and the compensation amount with regard to the said constructed area is also transmitted to the learned Civil Court.

3. In view of the above, this Petition is disposed off with liberty to the petitioner to move an application before the learned Civil Court to which the proceedings have been transmitted under Section 3H(4) of the National Highways Act, 1956 for seeking disbursement of the compensation amount to the extent of the construction/area.

4. Needless to state, the Trial Court would consider the contentions of all the parties and in the event of there being no dispute / legal impediment, may pass an appropriate order with regard to the request of the Petitioner for disbursement of the said amount, on or before 15.10.2022.