

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

WRIT PETITION NO.1659 OF 2021

SUNIL SUGRIV THITE
VERSUS
UNION OF INDIA AND OTHERS

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Advocate for the Petitioner : Shri G.K. Thigale h/f Shri Devdatt D.
Deshmukh

AGP for Respondent 2 : Shri A.A. Jagatkar
Advocate for Respondents 1 and 3 : Shri R.B. Bhosale
Advocate for Respondent 4 : Shri Sanjay A. Wakure

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 11th January, 2022

Per Court:

1. The petitioner, who is the bonafide purchaser of land admeasuring 1 Hectare 5 R out of Survey No.73/2, is aggrieved by the order passed by the Competent Authority / Deputy Collector and Special Land Acquisition Officer, Manjra Project, Osmanabad - respondent No. 3 on 25.01.2018, when with reference to the dispute raised by the respondent No. 4 (Mahadeo Rajaram Somwanshi), the provision of Section 3H(4) of the National Highways Act, 1966 has been invoked and the proceedings are made over to the Civil Court for its determination. The petitioner is also aggrieved by another order passed by the learned Joint Civil Judge, Senior Division, Osmanabad on 27.09.2019, under

which the proceedings in Reference Application No.11/2018 instituted by respondent No. 4 against the petitioner and one more defendant, has been stayed till the decision of RCS No.290/2016.

2. At the outset, the counsel for the petitioner does not press his challenge to the first order dated 25.01.2018. Therefore, I need not delve into the said aspect.

3. As far as challenge to the order dated 27.09.2019 is concerned, the said order, which is assailed by way of amendment in the petition, is perused. There is no justifiable reason, which prompted the learned Judge to stay the proceedings in the Reference Application No.11/2018 till the decision of RCS No.290/2016 instituted by the respondent No.4 in the year 2016. The submission advanced on behalf of the petitioner is to the effect that the said suit has been instituted just to defeat the claim of the petitioner, who is the bonafide purchaser from one Dhanu Bhima Pawar from whom the petitioner had purchased the piece of land by the registered sale deed executed long back on 03.05.2005. The objection raised is that respondent No.4 kept mum all the while and only foreseeing the acquisition proceedings being undertaken, instituted the suit in the year 2016. There is no reason why the proceedings in the Reference Application No.11/2018 shall remain stayed till the outcome of RCS No.290/2016. The said order passed by the learned Judge cannot be sustained and in fact, the learned Judge ought to have made efforts to

dispose of the proceedings in RCS No.290/2016, which is pending for more than five years.

4. The interest of justice will be served if the Land Acquisition Reference No.11/2018 and RCS No.290/2016, since pending before the same Court, being the Court of the learned Joint Civil Judge (S.D.), Osmanabad, should be clubbed and the same shall be culminated within a time frame of six months from today. This would minimize the inconvenience to all the concerned including the respondent No.1, who intends to acquire the land for the purpose of construction of National Highway and the proceedings shall be expeditiously put to rest.

5. In the wake of the above, the Writ Petition is partly allowed by setting aside the impugned order dated 27.09.2019, thereby, directing the learned Judge to conclude the proceedings in Reference Application No.11/2018 and RCS No.290/2016 within a period of six months from today.

kps

(SMT. BHARATI H. DANGRE, J.)