

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

WRIT PETITION NO. 11076 OF 2021

Amol Shivaji Bhadre

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri D. G. Nagode, Advocate h/f Shri S. S. Wagh, Advocate for the Petitioner.

Mrs. R. P. Gour, A.G.P. for the Respondent Nos. 1 to 3.

Shri A. G. Talhar, A.S.G. for the Respondent No. 4.

Shri D. S. Manorkar, Advocate for the Respondent No. 5.

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

DATE : 06.10.2022.

FINAL ORDER :

. Heard both sides finally. Perused the record.

2. Learned advocate for the petitioner submits that the petitioner's property was under acquisition. By the judgment and order passed on 08 March 2017 in Writ Petition No. 3250 of 2016 and other connected matters, this Court had declared about the acquisition proceedings having been lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. He would submit that subsequent thereto the property has been acquired by the National Highways Act, 1956 (for short "Act of 1956") but the compensation has not been paid to them.

3. Admittedly, the petitioners have not made any representation U/Sec. 3H(4) of the Act of 1956, which covers the dispute as to the entitlement of a person to receive the compensation. This Court in the matter of **Arun Trimbakrao Lohkare Vs. State of Maharashtra in Writ Petition No. 1949 of 2017 decided on 29.06.2017** has elaborately laid down the scope of said provision. If the State Government is being treated as the owner of the property and that is why compensation is not being determined, this indeed is dispute as to the entitlement to have the compensation. If the petitioner claims to be entitled to have compensation, the only recourse available to him is to submit an application under Section 3H(4) of the Act of 1956, which thereafter competent authority would be obliged to refer to the Civil Court of original jurisdiction.

4. We therefore dispose of the writ petition by permitting the petitioner to submit an application with the competent authority U/Sec. 3H(4) of the Act of 1956 and whereupon the respondent/competent authority shall pass appropriate order within a period of six (06) weeks from the date of petitioner's submitting the application.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]