

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

**939 WRIT PETITION NO.10499 OF 2019
WITH WP/10748/2019
WITH WP/10649/2019
WITH WP/10584/2019
WITH WP/12248/2019**

**AJIT SURYAKANT KENDRE
VERSUS
THE UNION OF INDIA AND OTHERS**

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Advocate for Petitioner : Mr. V.C.Patil h/f Mr.Bondar U.B. (in WP/10499/2019),
Mr.G.K.Thigale (in WP/10649/2019),
Mr.S.G.Munde (in WP/10584/2019,
WP/10748/2019, WP/12248/2019).

ASG for Respondent Nos.1 & 4 Mr.Amol Patale (in all WPs)
-UOI :

AGP for Respondents-State : Mr. K.N.Lokhande (for R/3 in WP/10499/2019), (for R/2 in WP/10584/2019), (for R/2 & 3 in WP/10649/2019) (for R/2 in WP/10748/2019, (for R/2 in WP/12248/2019)

Advocate for Respondents : Mr. Amaya Subnis h/f Mr. V.D.Gunale (for R/5 to 7 in WP/10499/2019), (for R/5 to 7 in WP/10584/2019), (for 4 to 6 in WP/10649/2019), (for 5 to 7 in WP/10748/2019 and (for R/5 to 7 in WP/12248/2019)

Advocate for Respondents : Mr. M.K. Mundhe h/f Mr. D.S. Manorkar (for R/2 in WP/10499/2019), (for R/4 in WP/10584/2019) and (for R/3 in WP/10748/2019)

Advocate for Respondents : Mr. S.S. Deve (for R/1 & 4 in

WP/10499/2019) and (for R/1 & 4 in WP/10584/2019)

Advocate for Respondents : Mr.R.B.Bhosale (for R/1 & 4 in WP/12248/2019)

Advocate for Respondents : Mr. A.G. Talhar (for R/1 & 4 in WP/10748/2019)

Mr. K.S. Chavan h/f Mr. Sakolkar (for R/3 in WP 12248/2019)

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

DATE : 02.08.2022.

PER COURT :

A common question that is not even res integra, raises in all these petitions, which we have heard finally, with the consent of parties.

2. The petitioners are challenging the same order deciding their separate disputes.

3. The dispute pertains to the powers of the Competent Authority under Section 3-H (4) of the National Highways Act, 1956. This Court in the matter of **“Arun Trimbakrao Lokare Vs. The State of Maharashtra, 2017 (6) Mh. L.J. 612”** (for short ‘the Act’) interpreted the provisions of Sub Section (3) and (4) of Section 3-H of the Act, to

point out that the latter provision only expects the Competent Authority to make a reference to the Principal Civil Court of original jurisdiction, whenever a dispute is raised, in respect of the right to have a compensation. Former merely allows him to apportion the compensation and in all probability when there is no dispute, but the claimants are numerous.

4. The petition is disposed of. No costs.

5. It is a common ground in all these petitions that instead of resorting to the provisions of Section 3-H (4) of the Act, instead of sending the references, the Competent Authority has decided the disputes. The orders are clearly without jurisdiction.

6. All these petitions are partly allowed. The common order is quashed and set aside. The Competent Authority shall forward all these disputes between the parties to the Civil Court, as contemplated under Section 3-H (4) of the Act, as interpreted by this Court in the matter of **Arun** (supra).

(**SANDEEP V. MARNE**)
JUDGE

(**MANGESH S. PATIL**)
JUDGE