

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

**918 CIVIL APPLICATION NO.11564 OF 2021
IN WP/4328/2021 WITH WP/4328/2021**

**BAPURAO GOVINDRA DIGHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. B. S. Shinde, Advocate for the petitioners
Mrs. R. P. Gaur, AGP for the respondent/State
Mr. A. N. Patale, Advocate for respondent No. 2
Mr. M. D. Narwadkar, Advocate for respondent Nos. 3 to 9.

**CORAM : RAVINDRA V. GHUGE &
S. G. DIGE, JJ.**

DATED : 21st April, 2022

PER COURT :-

1. We have considered the submissions of the learned Advocates for the respective sides. We have perused the order passed by the learned Division Bench of this Court on 12th February, 2021 in Writ Petition No. 15571 of 2019. This Court has precluded all the litigating parties from withdrawing the compensation amount considering the conspectus of the dispute.

2. Section 3H(4) of the National Highways Act, 1956 reads thus:-

“(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same

or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated."

3. In view of the above and upon being convinced that a dispute between the claimants surely exists even to the extent of 2 *Are* land which is claimed to be owned by respondent No. 9, that we deem it appropriate to direct the Competent Authority to refer the dispute to the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated, under Section 3H(4) of the National Highways Act, as expeditiously as possible and in any case on or before 31st May, 2022. Needless to state, the Competent Authority shall not disburse the amount to any claimant until the decision by the learned Civil Court.

4. The parties are at liberty to request the learned Civil Court to cause an expedited hearing in the proceedings.

5. Pending Civil Application would not survive and stands disposed off.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

ssp