

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12307 OF 2022

Shri. Anna Dashrath Lade & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

.....

Mr. P.G.Chavan for the Petitioners.

Mr. V.S. Gokhale, 'B' Panel Counsel for the State.

.....

**CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATE : 20 OCTOBER 2022

P.C. :

Heard the learned Counsel for the Petitioners.

2. The Petitioners claim to be owners of the property bearing Gat No. 144/2 situated at Survey No. 46, Village Supali, Taluka- Pandharpur, District- Solapur to the extent specified in the petition. The acquisition proceedings have been undertaken for the national highway.

3. It is the case of the Petitioners that Respondent Nos. 6 to 8, who are not entitled to possession, are trying to take away possession because of which the Petitioners have raised an objection under the

National Highways Act, 1956. Section 3 (H) (3) of the Act of 1956 provides for a particular contingency. Section 3 (H) (4) of the Act of 1956 provides for another contingency. As on date, as informed by the learned Counsel for the Petitioners, the Respondent / Competent Authority has not yet proceeded either under Section 3 (H) (3) or 3 (H) (4) of the Act of 1956. It is the apprehension of the Petitioners that the Respondent / Competent Authority will proceed to disburse the amount of Respondent Nos. 6 to 8.

4. According to us, the petition is premature. The Competent Authority has not yet proceeded either under Section 3 (H) (3) or 3 (H) (4) of the Act of 1956. It is for the Competent Authority to decide whether that issue needs to be referred to the Competent Court. All that is to say at this stage is that after a final decision is taken, if either the Petitioners or Respondent Nos. 6 to 8 request Respondent No. 3 not to give effect to his order, the Respondent/ Competent Authority will accept the request and defer the implementation for a period of four weeks.

5. The writ petition is disposed of.

6. We make it clear that since this order is passed without giving notice to Respondent Nos. 6 to 8, all the contentions of the parties are kept open.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)