

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

WRIT PETITION NO.859 OF 2022

Shabbir Hasan Pathan

And Another

... Petitioners

Versus

The State of Maharashtra

And Others

... Respondents

Mr. Sumit V. Khaire for the Petitioners.

Mr. Rajan S. Pawar, AGP for the Respondent-State.

**CORAM : R. D. DHANUKA &
S. M. MODAK, JJ.**

**DATE : 28 JANUARY 2022.
(Through Video Conference)**

P. C. :

. Rule.

2 Mr. Pawar, learned AGP waives service for the Respondents.

3 By consent of the parties, the Petition is taken up for final hearing.

4 By this Petition, the Petitioner seeks an Order and direction to the Respondent No.3 to decide the Applications dated 13 July 2021, 30 September 2021, 3 October 2021 and 11 October 2021 filed by the Petitioners to refer the dispute to Civil Court. Though the learned Counsel for the Petitioners has also prayed for injunction not to disburse the amount / award in respect of the land Gat No.286 situated at Village Shirsatwadi, Tal. Indapur,

Dist. Pune, learned Counsel does not press that relief at this stage. The statement is accepted.

5 Respondent No.3 is directed to decide the applications as mentioned in the prayer clause -(a) within eight weeks from today after hearing the Petitioners and other contesting parties, who are the beneficiaries under the said award made by Respondent No.3 under the provisions of the National Highways Act 1956 in respect of the land Gat No.286 situated at Village Shirsatwadi, Tal-Indapur, District Pune. Respondent No.3 shall issue seven days clear notice to the Petitioners as well as the parties, who are declared to be beneficiaries to receive the compensation in the said Award before the date of proposed hearing. The Order that would be passed by Respondent No.3 shall be conveyed to the Petitioners as well as beneficiaries under the said Award within one week from the date of passing the Order. If any of the parties, is / are aggrieved by the said Order, such party / parties would be at liberty to file appropriate proceedings under provisions in law.

6 The writ petition is disposed of in the above terms. **Rule** is made absolute. No Order as to costs.

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
CHITTEWAN
Date: 2022.01.31
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[S. M. MODAK, J.]

[R. D. DHANUKA, J.]