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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2845 OF 2022

Vikas Bhaskar Vartak

..... Petitioner

Vs.

Competent Authority &
Sub Divisional Officer & Ors.

..... Respondents

Mr. Ashutosh Ravindra for the Petitioner
Mr. Kaustubh Patil for Respondent Nos.3 to 5
Mr. Shailesh S. Redekar for Respondent Nos.6 to 9
Mr. S. B. Kalel, AGP for the State

**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : MARCH 31, 2022

P.C.

1 Heard the learned Counsel for the Petitioner, the learned Counsel for the Respondents and learned AGP for the State.

2 The objection filed by the Petitioner referable to Section 3H(4) of the National Highways Act, 1956 (Highways Act) is rejected.

3 The Petitioner claims on the basis of the agreement to sell, allegedly executed by Respondent Nos.2 to 6. According to the learned Counsel, the Petitioner has right. The Respondents have already transferred right to the Petitioner pursuant to the agreement to sell. The Competent Authority ought to have considered the same aspect.

4 The learned Counsel for the Respondents submits that the agreement to sell would not create any right, title or interest in favour of a party. The Petitioner has already filed a suit before the Civil Court. Respondent Nos.7 to 9 are not signatories to the agreement. In view of that the amount of their share cannot be withheld.

5 The Petitioner has already filed a civil suit before the Civil Court. It is for the Petitioner to prosecute the civil suit and get his right established. As the civil suit is already filed by the Petitioner, it is for the Petitioner to seek appropriate orders from the Civil Court.

6 In the light of the above, we dispose of the Writ Petition with liberty to the Petitioner to file appropriate Application in the pending civil suit.

7 This Court, on 24th March 2021 has passed interim order that the compensation shall not be distributed to any party. The said ad-interim relief shall remain in force for a period of two weeks from today.

8 Needless to say that on lapse of said period of two weeks, the interim relief shall come to an end.

9 The Writ Petition is accordingly disposed of. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)