

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5514 OF 2022

Smt. Kismat Najmuddin Keshwani Through
POA Najmuddin B. Keshwani ... Petitioner
Versus
Girish Keshav Karhadkar and others ... Respondents

Ms. Seema Chopda a/w Mr. Rahul Bothra i/by Mr. Rahul Bothra for
the Petitioner.

Ms. M.S. Bane, AGP for the Respondent-State.

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

DATE : 10 November 2022

P.C. :

On 5 May 2022, the following order was passed.

“1. The learned Counsel submits that the petitioner has filed an application under Section 3H(4) of the National Highways Act, 1956. The same is pending with the Authority. The Authority is in haste to distribute the amount. The suit for specific performance is pending.

2. Notice to respondents returnable on 14th June 2022.

3. The learned AGP waives notice for respondent No.7.

4. The Competent Authority shall give hearing to all the parties. The petitioner shall also remain present before the Authority and cooperate in disposal of the objection.

5. The Authority may proceed further with the hearing of the matter but shall not distribute the amount till the next date.”

The anxiety of the Petitioner was that after the decision is taken by the Authority, the Authority will proceed to disburse the amount and irrecoverable possession would ensue.

2. In group of petitions, Writ Petition No.3551 of 2021 and others, we have passed an order on 21 October 2022 recording the submission made by the learned Advocate General that instructions are being issued to the Competent Authorities under the National Highways Act, 1956 that after a decision is taken under Section 3-H(4) of the Act of 1956, the amount should not be disbursed for the stipulated period, so as to enable the parties to adopt such remedy as may be available in law. Learned Advocate General had also stated that necessary instructions would be given to all the Competent Authorities.

3. Considering this position, we dispose of the petition directing that after the conclusion of the proceedings under

Section 3-H(4) of the Act of 1956, after intimation of the outcome to the parties the amount will not be disbursed for a period of three weeks to enable the aggrieved parties to take an action as may be available in law.

4. Writ Petition is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)