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

WRIT PETITION NO. 4685 OF 2022

Dipali Nandkumar Chaudhari

... Petitioner

V/s.

The Competent Authority and
Sub Divisional Officer, Vasai and Ors.

... Respondents

Mr. Anil D'souza a/w. Yogesh Rawool i/b. S.S. Redekar for the
Petitioner

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

***CORAM : S.V. GANGAPURWALA &
M.G. SEWLIKAR, JJ.***

DATE : 19 APRIL 2022

P.C. :-

The Petitioner is assailing the order passed by the Competent Authority thereby referring the dispute to the Principal Court of Civil Jurisdiction resorting to Section 3(H)(4) of the National Highway Act, 1956.

2. The learned Counsel for the Petitioner submits that in fact no dispute exist between the parties. The facts are absolutely clear. Still the Competent Authority has referred the matter to the Civil Court. The Petitioner is concerned with the Old Survey No.

271/1 (New Survey No.101/1) and land to the extent of 5360 square meters is acquired. The Respondent No.2 is concerned with the land, Old Survey No. 271/2 (New Survey No.101/2) and only 30 square meters of his land is under acquisition, still the Respondent No.2 has referred the dispute. The Competent Authority ought not to have referred the dispute to the Civil Court.

3. We have heard the learned AGP.

4. It is almost one year the order has been passed. We are told that the parties have also appeared before the Civil Court where the dispute is referred to by the Competent Authority. The dispute appears to be about the extent of the land acquired acquired of each party.

5. As the parties have already appeared before the Civil Court, where the dispute is referred to, we pass the following order :-

(i) The Civil Court, where the dispute is referred to by the Competent Authority under order dated 06.05.2021 shall decide the said dispute/reference on its own merits, after hearing all the parties concerned expeditiously and if possible, within a period of one year.

(ii) The amount remitted to the Civil Court by the Competent Authority shall be kept in the fixed deposit of any nationalized bank.

(iii) The Civil Court, where the dispute is referred shall after the final decision is taken, disburse the amount in tune with the final decision.

6. Writ Petition is accordingly disposed of. No costs.

(M.G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)

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