

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

**WRIT PETITION NO. 8038 OF 2021
WITH
WRIT PETITION NO. 8184 OF 2021
WITH
WRIT PETITION NO. 8202 OF 2021
WITH
WRIT PETITION NO. 8190 OF 2021
WITH
WRIT PETITION NO. 8201 OF 2021
WITH
WRIT PETITION NO. 8209 OF 2021
WITH
WRIT PETITION NO. 8164 OF 2021
WITH
WRIT PETITION NO. 9333 OF 2021
WITH
WRIT PETITION NO. 8039 OF 2021
WITH
WRIT PETITION NO. 8170 OF 2021
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WRIT PETITION NO. 8173 OF 2021
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WRIT PETITION NO. 8220 OF 2021
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WRIT PETITION NO. 8167 OF 2021
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WRIT PETITION NO. 8218 OF 2021
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WRIT PETITION NO. 8215 OF 2021
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WRIT PETITION NO. 8168 OF 2021
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WRIT PETITION NO. 8224 OF 2021
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WRIT PETITION NO. 8228 OF 2021
WITH
WRIT PETITION NO. 8206 OF 2021
WITH
WRIT PETITION NO. 8212 OF 2021
WITH**

WRIT PETITION NO. 8133 OF 2021
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WRIT PETITION NO. 8169 OF 2021
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WRIT PETITION NO. 8178 OF 2021
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**WRIT PETITION NO. 8113 OF 2021
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WITH
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WITH
WRIT PETITION NO. 8105 OF 2021
WITH
WRIT PETITION NO. 8124 OF 2021
WITH
WRIT PETITION NO. 8110 OF 2021**

Mujahid Mohammed Yusuf
Kazi & Anr. ... **Petitioners**
Versus
National Highways Authority
of India & Ors. ... **Respondents**

None for the Petitioners in all Petitions.

Mr. Rakesh L. Singh i/b. M. V. Kini & Co., Advocate for the
Respondent/NHAI in all Petitions.

Mr. R. M. Shinde, AGP for the Respondents/State in
WP/8038/2021 and other petitions.

Mr. R. S. Pawar, AGP for the Respondents/State in
WP/8184/2021.

Smt. M. S. Bane, AGP for the Respondents/State in
WP/8202/2021.

Mr. S. B. Kalel, AGP for the Respondents/State in
WP/8164/2021.

Mr. B. V. Samant, AGP for the Respondents/State in
WP/8204/2021.

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

DATED : APRIL 18, 2022

P.C.

1. The learned AGP and the learned Advocate for the respondent/National Highway Authority of India submit that the other matters filed by similarly situated persons are disposed of by the Coordinate Bench of this Court by the order dated March 23, 2021 in Writ Petition (ST) No. 7522 of 2021 and other connected matters.

2. The Coordinate Bench on March 23, 2021 has passed the following order.

1. In the above Writ Petitions, the relief sought by the Petitioners is identical. The same is reproduced hereunder :

"(a) This Hon'ble Court be pleased to verify the contentions of the Petitioners raised in the present Petition and after verifying the legality and propriety of the allegations so made by the Petitioners in the present Petition, this Hon'ble Court be pleased to quash and set aside the order dated 29th January, 2021 passed by the Respondent No.3 and this Hon'ble Court be pleased to issue writ of mandamus or writ in the nature of mandamus directing the Competent Authority to refer the said dispute as to title and apportionment of money under the said award to District Court, Pandharpur being the Competent Civil Court of Original Jurisdiction under the provisions of Section 3(H)(4) of National Highway Act, 1956."

2. We have made a suggestion to the Learned Advocate appearing for the Petitioners and also to the Advocates appearing for the Respondents before us and they have accepted the same. In view thereof, we pass the following Order by consent :

- (i) The Petitioners who have filed the above Writ Petitions shall instead file Suits before the Civil Court or take out appropriate proceedings before the concerned authority seeking appropriate reliefs, within a period of one week from today and forthwith furnish a copy of the Plaint/Application alongwith an application seeking ad-interim/interim reliefs, to the respective Advocates for the Respondents.

- (ii) In the said Suits/appropriate proceedings, the Petitioners shall take out an application seeking interim/ad-interim relief/s with regard to the disbursement of compensation. The said Application shall be disposed of by the competent Civil Court or the appropriate authority, strictly on merits, without being influenced by any other Order previously passed by this Court or the present Order and without granting adjournment/s to either sides, within a period of two weeks from the date of filing of such application.
- (iii) The compensation shall not be disbursed for a period of three weeks from today. However, in the event of the Petitioners not being successful in obtaining any restraint Orders qua the disbursement of compensation, within three weeks from today, the compensation shall be forthwith disbursed.
- (iv) All contentions of the parties are kept open including issue of limitation/jurisdiction.

3. The above Writ Petitions are accordingly disposed of.”

3. The present writ petitions also stand disposed of in terms of aforesaid order dated 23rd March 2021 in Writ Petition (ST) No. 7522 of 2021 with connected writ petitions. No costs.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)

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