

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.833 OF 2023

MUKUND MADHUKAR PATIL

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

....

Mr. Ganesh A. Gadhe, Advocate for petitioner

Mr. Sadanand S. Deve, Advocate for respondent Nos.1 and 2

Mr. D. R. Kale, Government Pleader for the State

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**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 20.01.2023

PER COURT :-

. Heard.

2. The petitioner with a stand that he is entitled to have the compensation determined by the respondent competent authority under the National Highways Act had approached with his application which has been kept pending by the respondent No.2 - competent authority.

3. It appears that there is some dispute *inter se* between the petitioner on the one hand and the respondent Nos. 4 and 5, even civil proceedings are pending before the Civil Court.

4. Under Section 3H (4) of the National Highways Act, the competent authority, *inter alia*, has to make a reference whenever there is dispute as to the entitlement of a person to receive the compensation.

5. We dispose of the writ petition by directing the respondent No.2 to take a recourse to the provision and in the light of observations of this Court in the matter of ***Arun Trimbakrao Lohare Vs. The State of Maharashtra; (WP No.1949/2017 dated 29.06.2017)***, as early as possible and in any event within three weeks.

[S. G. CHAPALGAONKAR, J.]

[MANGESH S. PATIL, J.]

SMS