

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

913 WRIT PETITION NO.3222 OF 2022

**PRABHAKAR SHANKAR HONRAO
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**AND
941 WRIT PETITION NO.12573 OF 2021**

**SHANKAR VISHWANATH DHONDAPURE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Mohekar Ganesh V.
AGP for Respondents/State : Mr. S.W. Munde
Advocate for R/2 in WP/3222/22 : Mr. S.S. Deve
Advocate for R/3 & 4 in WP/3222/22 and for R/4 to 8 in WP/12573/21 :
Mr. A.D. Gadekar
Advocate for R/2 in WP/12573/21 : Mr. R.B. Bhosale
Advocate for R/3 in WP/12573/21 : Mr. P.R. Tandale

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 6th June, 2023**

PC. :-

1. We have heard the brief submissions of the learned advocate for the respective sides.

2. With regard to the first petition, the review application filed by the petitioners is pending before respondent no.1. There is no dispute that a decision on the said petition is likely to affect the rights of the parties in the second petition, though the parties are united in submitting that the matter could be referred to the competent authority under Section 3 H (4) of the National Highways Act.

3. We deem it appropriate to direct respondent no.1 in the writ petition no.12573/2021 to decide the review petition / application on or before 31.07.2023. Writ Petition No.12573/2021 is therefore **disposed off**.

4. In view of the above, the ad interim relief granted to the petitioner in the petition no.12573/2021 vide order dated 17.11.2021, would continue until the review application is decided. In the event of an adverse order being passed against the petitioner, the said interim order would continue for a further period of fifteen days.

5. In so far as writ petition no. 3222/2022 is concerned, the learned advocates for the litigating parties are united in submitting that this petition may be disposed off and the dispute between the parties be referred to the Court of competent jurisdiction under Section 3 H (4) of the National Highways Act. The learned advocate for the acquiring authority submits that

the money is already transmitted to the Civil Court having competent jurisdiction.

6. In view of the above, this petition is **disposed off**. All the contentions of the litigating parties are kept open to be considered by the Court to which the proceedings have been transferred under Section 3 H (4).

7. Needless to state, the amount of compensation, save and except, the amount withdrawn by respondent nos.3 and 4, shall remain with the learned Civil Court to be disbursed only after the suit is decided.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]