

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

WRIT PETITION NO.3977 OF 2022

**BALASAHEB SURYABHAN KARANDE
VERSUS
THE SUB DIVISIONAL OFFICER LAND ACQUISITION OFFICER AND
COMPETENT AUTHORITY LANDACQUISITION**

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Advocate for Petitioners : Mr. Rahul R. Karpe
AGP for Respondents/State: Mrs. M.A. Deshpande.
Advocate for respondent No.3 : Mr. K.P. Shinde.

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

DATE : 28th FEBRUARY 2023

P.C.:-

Mr. Shinde, Advocate submits that he has already appeared even for the respondent No.3, but still he would verify and if there is no appearance, he will cause it.

2. Heard both the sides. The petitioner is anxious because of the fact that in spite of there being a dispute as to the apportionment and entitlement to have compensation under the provisions of the National Highways Act determined by the respondent No.1, instead of resorting to a reference as contemplated under section 3(H) (iv) of the Act, he is likely to disburse the money.

3. The affidavit-in-reply filed by the respondent No.1 indicates that he is aware about the provision of Section 3(H)(iii) and 3(H)(iv) but states that he is still to arrive at a decision and the petition is premature.

He mentions that he has merely called upon the parties to file their response by issuing the notices. After receipt of their response, if any occasion arises for him to resort to these provisions, he would take appropriate decision, inter-alia, of making reference under Section 3H(iv) and the petition is premature.

4. In view of the such stand being taken by the respondent No.1 which is the competent authority under the National Highways Act, we dispose of the petition granting liberty to the parties to approach this Court once again, if inspite of there being a dispute, respondent No.1 refuses to make a reference.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

grt/-