

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

914 WRIT PETITION NO.8480 OF 2023

**PRAFULLA ADHAR SHINDE
VERSUS
THE NATIONAL HIGHWAY AUTHORITY OF INDIA THROUGH ITS
PROJECT DIRECTOR AND OTHERS**

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Mr. D. S. Bagul, Advocate for Petitioner
Mr. V. M. Kagne, AGP for the Respondents State
Mr. B. M. Dhanure, Advocate for Respondent No.3

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 26th July, 2023

ORDER:

1. We have considered the submissions of the learned Advocates for the petitioner and Respondent No.3. We have also perused the orders passed by this Court in the earlier proceedings initiated by these petitioners.

2. Three biological brothers including the petitioner, are at loggerheads. Excess payment has been made to the other two biological brothers who are not before us as they are not impleaded as respondents. Recovery from the said 2 brothers, has been initiated by the competent authority which has hit a dead end, since the measurements are being disputed.

3. The learned Advocate for Respondent No.3-Competent Authority/Deputy Collector, Land Acquisition, National Highway No.6,

submits that there is no point in entertaining the representation of the present petitioner dated 30.01.2023, since it only contains his averments and is not accompanied by any document. He may file a detailed representation alongwith supporting documents. The petitioner is agreeable.

4. In view of the above, **this petition is disposed off** with the following directions:

- (A) The petitioner would tender a representation with proper pleadings and averments to Respondent No.3 within thirty days. The same shall be accompanied with appropriate documents on which the petitioner intends to place reliance.
- (B) Respondent No.3, while considering the representation of the petitioner, shall issue notice to the two biological brothers of the petitioner namely, Vinod Adhar Shinde and Pramod Adhar Shinde and after giving them a reasonable opportunity of hearing, deal with the representation. This exercise be completed within 90 days from the date of filing of the representation.
- (D) Needless to state, if the dispute between these biological brothers has a semblance or trappings of a civil dispute, they would be at liberty to avail of the remedy as may be permissible in law.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)