

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

WRIT PETITION NO. 767 OF 2022

Pandhari Babarao Nilewad .. Petitioner

Versus

The Union of India and another .. Respondents

Shri Suhas R. Shirsat, Advocate for the Petitioner.
Shri Ajay G. Talhar, D.S.G. for the Respondent No. 1.

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 06TH MARCH, 2023.**

FINAL ORDER :

. The petitioner was served with notice dated February 05, 2018 pursuant to the acquisition proceedings taken up by the acquiring body viz National Highway Authority under the provisions of the National Highways Act 1956.

2. According to the petitioner even if the said notice is addressed to the petitioner along with his two brothers for collection of compensation, fact remains that the petitioner is the only person who is entitled for such compensation. He has relied on the proceedings taken out before the revenue authorities, wherein inference can be drawn as regards the petitioner being in the exclusive possession of the acquired property. He would further urge that other two brothers have consented for releasing

the compensation amount in his favour.

3. The learned Deputy Solicitor General for the respondent No. 1 would urge that the Sub Divisional Officer is required to take decision over the claim of the petitioner and in case he has any reservation, he can refer the same to the Civil Court.

4. In the aforesaid background, we direct the respondent No. 2/Sub Divisional Officer, Kandhar with whom the amount of compensation is deposited, to decide the claim for disbursement of the amount pursuant to the notice dated February 05, 2018, expeditiously and in any case within a period of twelve (12) weeks from the date of production of copy of this order. The Sub Divisional Officer shall have regard to the contents of the notice dated February 05, 2018, the alleged document which is produced at Exhibit – E to the petition at the time of re-enquiry, and the provisions of the Act. If he is not in agreement with the claim for release of the amount of compensation, reference to be made to the Civil Court for deciding apportionment. With above observations petition stands disposed.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/March 23