

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6821 OF 2021

Agatrao Natha Khot

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

YUGANDHARA
SHARAD
PATIL

Mr.Laxman Kalel for the Petitioner.

Mr. A.I.Patel, Addl. GP for the Respondent Nos. 1 to 3-State.

Mr. Chandan Athani i/b Sidharth Ambegaonkar /Higne & Deshmukh Associates for Respondent No. 4.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 9th JANUARY, 2023

PC. :-

1. By this Petition filed under Article 226 and 227 of the Constitution of the India, the Petitioner has impugned notice dated 30th December 2020, issued by Deputy Collector, Miraj under Section 3-C of the National Highway Act 1956.

2. Mr. A.I. Patel, Additional Government Pleader for the State invited our attention to the order dated 6th July 2020, passed by Sub Divisional Officer, Miraj, referring all disputes to Civil Court under Section 3H(4) of the National Highway Act, 1956, in view of the

rival claim made by third party. Petitioner has not impugned the said order. Be that as it may; in view of the dispute regarding ownership raised by Naryan Shivram Rupner, in respect of the same property vide letter dated 18th April 2019, the competent authority has rightly referred the dispute to the Civil Court for decision.

3. In our view, nothing survives in the Writ Petition. The Petitioner is at liberty to file appropriate proceedings before the Civil Court. The competent authority has already deposited amount of compensation before the Civil Court having jurisdiction.

4. The Writ Petition is accordingly disposed of. No order as to costs.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]