

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4518 OF 2023

Bhaskar Walku Meher

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Mr.Prathamesh Bhargude a/w Sharad R. Dhore,
Advocates for the Petitioner.

Mr.Jayendra D. Khairnar a/w Mufreez Ansari, Devidas
Batkondle, Advocates for Respondent Nos. 6 to 14 and 16 to
18.

Mr.A.I. Patel, Addl G.P. a/w M.S. Bane, AGP for
Respondent-State.

Mr.Samir Narayan Meher-Respondent No.7 is present.

CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.

DATE : AUGUST 28, 2023

P. C.

1. The above writ petition is filed *inter alia* seeking a direction to the competent authority (Respondent No.5) under the National Highways Act, 1956 to refer the dispute between the Petitioners and Respondent Nos. 15 on the one hand and Respondent Nos. 6 to 14 and

16 to 18 on the other, to the Civil Court as per the provisions of Section 3-H(4) of the National Highways Act, 1956.

2. When this matter had come up on the previous occasion (4th July, 2023), this Court had noted the conduct of Respondent No.5 namely Mr.Jagatsingh Girase, who was the Competent Authority at the relevant time. We in fact expressed our shock and surprise on the conduct of the said Mr.Girase in our order dated 4th July, 2023. The matter was thereafter kept from time to time and has reached before us today.

3. Today, the learned AGP appearing for Respondent No.5 (the current Competent Authority) has informed the Court that the Competent Authority, by its letter dated 22nd August, 2023, has referred the aforementioned dispute to the concerned Reference Court and has requested that the same be numbered as a Land Acquisition Reference. Since this course of action has now been adopted, nothing really survives as far as prayer clause (a) is concerned. The only question that now remains is what directions need to be passed with reference to the monies already disbursed by the earlier Competent Authority to Respondent Nos. 6 to 14 and 16 to 18.

4. According to the Petitioners their share in the compensation would be approximately Rs.42 Lakhs. This of course is disputed by the learned advocate appearing on behalf of Respondent Nos. 6 to 14 and 16 to 18. According to the said Respondents, at the highest, the Petitioner would be entitled to sum of Rs.8,27,228/-. However, despite this, the learned counsel stated that without prejudice to the rights and contentions of the said Respondents, in the dispute that has already been referred to the Civil Court by the Competent Authority, the Respondents shall deposit a sum of Rs.42 Lakhs and which will then abide by the outcome of the said dispute. The learned counsel for Respondent Nos.6 to 14 and 16 to 18, on instructions, requested that a period of 12 weeks be granted to make the aforesaid deposit.

5. Considering the fair stand taken by the said Respondents, they are directed to jointly and/or severally deposit a sum of Rs.42 Lakhs in the concerned Reference Court within a period of 12 weeks from today. It is further directed that the amount of Rs.12,93,978/-, if still retained by the Respondent No.5-the Competent Authority with it, shall be deposited in the Reference Court to which the aforementioned

dispute is already referred. Once these amounts are deposited in the concerned Reference Court, the Reference Court shall pass further directions with reference to depositing the same in any nationalized bank.

6. It is made clear that the amount deposited shall thereafter abide by the orders passed by the Reference Court.

7. It is needless to clarify that all rights and contentions of all parties are expressly kept open to be agitated before the Reference Court.

8. The above writ petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]