

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

**WRIT PETITION NO.12475 OF 2022
WITH
INTERIM APPLICATION NO.30368 OF 2022**

Rajesh Arjun Pawaskar

... Applicant

Versus

Competent Authority

Sub-Divisional Officer (Revenue) and Anr.

... Respondents

...

Mr. Vikram Walawalkar, a/w. Mr. Amey Sawant, Mr. V. V. Tapkir & Ms. Sayali Gangal for Petitioner.

Mr. A. P. Vanarase, AGP for State.

Mr. Prashant Chavan i/b. Mr. Umesh Kurund, Mr. K. K. Khamare for Respondent Nos.3 & 4.

...

CORAM : SANDEEP V. MARNE, J.

DATE : 07 DECEMBER 2023.

P. C.:

. Challenge in the present petition is to the Order dated 25 August 2022 passed by the Competent Authority under the National Highways Act by which the Competent Authority has proceeded to reject the objection raised by the Petitioners for disbursal of the amount of compensation.

2. Apparently there is dispute about apportionment of amount of compensation payable for acquisition of land in question. By now the law is well settled that the disputes as to entitlement to receive a share in compensation cannot be decided by the Competent Authority and only Civil Court has jurisdiction to decide the dispute. Reference in this regard can be made to the Judgment of Division Bench of this Court in **Arun s/o. Trimbak**

Lokare Vs. State of Maharashtra & Ors., 2017 (6) Mh.L.J. 612.

3. In view of settled position of law, Order dated 25 August 2022 passed by the Competent Authority is set aside. The Competent Authority shall proceed to refer dispute to the Court of competent jurisdiction as contemplated under Section 3H(4) of the National Highways Act, 1956 within two weeks from receiving copy of this Order.

4. It appears that amount of compensation has already been disbursed to the contesting Respondents. In that view of the matter the amount withdrawn by the contesting Respondents would be subject to the decision of the Civil Court in Reference made by the Competent Authority. In case the suit / Reference referred to the Civil Court is decreed in favour of the Petitioners, the Civil Court shall pass necessary Orders with regard to repayment of amount of compensation withdrawn by the contesting Respondent. If the suit / Reference is rejected, it would not be necessary to pass any further Orders to bring back the amount of compensation.

5. With the above directions, Writ Petition is disposed of. Since the petition is disposed of nothing survives in the Interim Application and it is also disposed of.

SANDEEP V. MARNE, J.

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