

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

WRIT PETITION NO.15486 OF 2022

Chaya Balasaheb Chavare

... Petitioner

Versus

Vaibhav Dilip Mane and Ors.

... Respondents

...

Mr. Padmnabh D. Pise, a/w. Ms. Sejal A. Hariyan for Petitioner.

Mr. Samir A. Kumbhakoni, for Respondent No.1.

Mr. P. P. Pujari, AGP for Respondent No.3.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 13 OCTOBER 2023.

P. C.:

The challenge in the present petition is to the order dated 14 October 2022 passed by the Competent Authority and Deputy Collector, Land Acquisition adjudicating dispute between the parties regarding apportionment of compensation payable for acquisition of land.

2. It is by now a well settled proposition of law that in cases relating to objection to disbursement of amount of compensation, such dispute as to the apportionment of compensation is required to be referred by the Competent Authority to the Principal Civil Court of original jurisdiction. The Competent Authority does not have jurisdiction to adjudicate the said dispute. Reference in this regard can be made to Division Bench Judgment of this Court in **Arun s/o. Trimbakrao**

Lokare Vs. State of Maharashtra and others, 2017 (6) Mh.L.J., 612.

3. The Apex Court in its judgment in **Vinod Kumar and Others Vs. District Magistrate MAU and others**, Civil Appeal No.5107 of 2022 decided on 07-07-2023 in paragraph No.33 has held as under :-

33. We are of the view that when it comes to resolving the dispute relating to apportionment of the amount determined towards compensation, it is only the Principal Civil Court or original jurisdiction which can do so. Principal Civil Court means the Court of the District Judge.

4. In that view of the matter, the impugned order dated 14 October 2022 is set aside and the Competent Authority is directed to refer the dispute to the Principal Civil Court of original jurisdiction as contemplated under Section 3-H(4) of the National Highways Act 1956. Let the reference be made within a period of 02 weeks from the date of service of copy of this order. With the above directions Writ Petition is disposed of.

SANDEEP V. MARNE, J.

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