

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.325 of 2020

Shankar S/O Bansilal Badlani Vs Union Of India, Through Secretary, The Ministry
Of Road Transport And Highway, New Delhi And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Raju Kadu, Advocate for the Petitioner
Shri H.D. Dubey, A.G.P. for the Respondent/State
Shri V.K. Paliwal, Advocate for the respondent Nos.3 and 4

CORAM : ANIL S. KILOR, J.

DATED : 19th April 2023

1. Heard.
2. In this petition, a challenge is raised to the order dated 12.12.2019 passed by Sub Divisional Officer (SDO), Washim/the Competent Authority under the National Highways Act, 1956 (for short "the Act of 1956"), rejecting objection under Section 3-H(4) of the Act of 1956.
3. From the impugned order, it is evident that the objection raised by the petitioner, was adjourned time to time for grant of opportunity to the petitioner of being heard, however, the petitioner was continuously absent and therefore, the objection was rejected.
4. The learned counsel for the petitioner submits that if the application is made under Section 3-H(3) of the Act of 1956 and a dispute is raised, the SDO is bound to refer the matter to the Civil Court and once such objection is raised, the SDO cannot

disburse the amount. In the light of his submission to find out what right the petitioner was having in the land in question and in the compensation amount, I have perused the application.

5. In the application, the petitioner has not stated or pointed out that what dispute he wants to raise and what right or interest he has in the amount payable to the land owner. The only ground raised is that one Regular Civil Suit No.04 of 2019 is pending with the Civil Judge Senior Division, Washim.

6. Thus, in absence of any dispute pointed out by the petitioner and in view of the fact that he was continuously absent before the SDO, the SDO has rightly rejected the objection.

7. The learned counsel for the petitioner tried to canvass that once such objection is filed, the SDO cannot disburse the amount. For this purpose, he has placed a reliance upon the judgment of the Division Bench of this Court in the case of *Ashok Ramling More Vs. Union of India & Ors.*¹.

8. After going through the judgment, it is evident that, it reiterates the law as regards the provisions under Sections 3-H(3) and 3-(H)(4) of the Act of 1956. There is no dispute as regards the law laid down in the said judgment.

9. In the present case, the petitioner has failed to point out any dispute involved, hence, the matter cannot be referred to the Civil Court under Section 3-H(4) of the Act of 1956.

1 2017(2) ALL MR 792

10. In the circumstances, I do not find any infirmity committed by SDO, Washim in rejecting the objection of the petitioner. Accordingly, writ petition is **dismissed**.

[ANIL S. KILOR, J.]