



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**924 WRIT PETITION NO. 7442 OF 2024
(Board dated 18.07.2024)**

**SUKESHANI SUBHASH BAHATARE ALIAS SUKESHANI
VIJAY SHINDE**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Shri Dhage Vaibhav B., Advocate for the Petitioner.

Shri S.J. Salgare, AGP for Respondent Nos.1 and 2/State.

Shri R.B. Bhosale, Standing Counsel for Respondent No.3.

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 19th July, 2024

Per Court :-

1. The Petitioner has put forth prayer clauses B and C
as under:-

- “B) *Issue writ of mandamus, or any other writ, order or direction in the nature writ of mandamus, directing the res. no. 3 to refer the objection raised by the petitioners to the competent authority in view of the section 3 H (4) of National High Ways Act, 1956 and for that purpose issue necessary orders.*
- C) *Pending hearing and final disposal of this writ petition, the res. no. 3 may kindly be direct not to disburse the amount of compensation to the res. no. 4 as per notice Dtd. 19.12.2018 and for that purpose issue necessary orders.”*

2. The Petitioner had already lodged a Civil Suit bearing RCS No.74/2016. The same was dismissed by the Trial Court. An Appeal bearing RCA No.56/2023 is pending. The suit was for a declaration that the sale deed is null and void and for recovery of possession.

3. The learned Advocate representing Respondent No.3/ Competent Authority submits that notice has already been issued to the Petitioner. Her objections would be considered in accordance with the provisions of the National Highways Act. If there is no dispute, an order on quantification would be passed. If there is any dispute as regards the shares for apportionment, the matter would be referred to the appropriate Authority under Section 3H(4) of the National Highways Act. He clarifies that this is not a commitment, but a legal submission which would depend on a hearing in the matter and after considering the objections of the parties on their own merits. He further submits that unless the Competent Authority concludes that there is no dispute, there would not be any disbursement of compensation.

4. The Petitioner is satisfied.

5. In view of the above, this **Writ Petition is disposed off.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)