



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

12 WRIT PETITION NO. 3648 OF 2024

GIRISH MURLIDHAR PANDE

VERSUS

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

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Shri Vaibhav Dhage, Advocate i/by Shri Hande Avinash D.,
Advocate for the Petitioner.

Shri R.K. Ingole, AGP for Respondent Nos.1 to 3/State.

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**CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.**

DATE :- 22nd April, 2024

Per Court :-

1. Leave to add the Maharashtra State Road Development Corporation (MSRDC), as Respondent No.5. Addition be carried out within one week.

2. **Issue notice** to the Respondents, returnable on 19.06.2024. The learned AGP waives service of notice on behalf of Respondent Nos.1, 2 and 3.

3. The Petitioner was directed to submit a family tree before us. What is placed before us is one branch of the family. Vitthalrao Rangrao Pande has 07 children, out of which, three are sons and four are daughters. Two daughters, namely, Rajabai and

Sushilabai have passed away. We need a detailed family tree to indicate even the shares of Rajabai and Sushilabai, considering the contention that the property under acquisition is an ancestral property and there is no suit pending for partition and separate possession.

4. We have perused Section 19(C)(4) of the Maharashtra Highways Act, which is akin to Section 3H(4) of the National Highways Act. If there is any dispute as regards shares of the parties or apportionment of the compensation amount, the matter has to be referred for a decision to the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

5. In view of the above, as we are informed that the compensation amount has not been disbursed, the same shall not be disbursed without the leave of the Court.

6. A detailed family tree shall be placed on record before the returnable date, failing which the interim relief shall stand vacated.

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)