

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10373 OF 2022

Suman Shahu Kanase & Ors.

...Petitioners

Vs

The State of Maharashtra & Ors.

...Respondents

Mr. Samir Kumbhakoni i/b. Mr. Chaitanya Joshi for Petitioners.

Ms. Nisha Mehra, AGP for State/Respondent Nos.1 to 3.

Mr. Anant Vadgaonkar for Respondent Nos.4a, 4b and 4c.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.

DATED: 26 September 2024.

P.C.

1. We have heard learned counsel for the parties.
2. The principal prayer in the petition is that the dispute between the petitioners and respondent nos.4(a) to 4(c) in regard to apportionment of the land acquisition compensation, subject matter of the acquisition under the National Highway Act, 1956 be referred to the Civil Court as per the provisions of Section 3(H)(4). Reply affidavits are filed to the petition. They are mostly on the merits of the rival contentions in regard to the apportionment which, in our opinion, is not the subject matter which can be adjudicated in the present proceedings.
3. In the above circumstances, we are of the opinion that the dispute in

regard to the apportionment is required to be referred to the Civil Court as mandated under the provisions of Section 3(H)(4) of the National Highway Act. Let respondent no.2 refer the dispute within a period of three weeks from today. All contentions of the parties on the reference including on the quantum of compensation are expressly kept open.

4. Needless to observe that the parties would be entitled to file an appropriate interim application and if such application is filed, the same be decided in accordance with law. Ordered accordingly.

5. The petition stands disposed of accordingly. No costs.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)