

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1739 OF 2023

Sou. Saraswati Narhari Zurunge And Anr.	..	Petitioners
v/s.		
State of Maharashtra & Ors.	..	Respondents

Mr. Nilesh Wable, i/b. Sumit V. Khaire, for the Petitioners.

Mr. S.H. Kankal, AGP, for Respondent Nos. 1 to 3.

**CORAM: NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 02 JANUARY 2024.

P.C:-

Heard the learned Counsel for the parties.

2. The Petitioners have lodged an objection to Respondent No.3 - Sub-Divisional Officer, Khed, Rajgurunagar - Competent Authority in respect of compensation to be paid for acquisition of the subject land. The Petitioners seek a direction to decide this objection/representation under Section 19C(4) of the Maharashtra Highway Act, 1955. The Sub-Divisional Officer will have to take a decision whether the matter needs to be referred to competent court.

3. Both the learned Counsel for the Petitioners and the learned AGP are not aware of the present status, but it is not necessary to keep the petition pending as suitable direction can be issued.

4. We dispose of the writ petition directing that before Respondent No.3 proceeds for disbursement of the amount of compensation, if decision is not already taken, will take a decision on the objection of the Petitioners as to whether to refer the matter to competent court or not and after decision is taken and informed to the parties, if the amount is to be disbursed, the same be done after period of four weeks from the order. Since Respondent Nos.4 and 6 are not present, we make it clear that this order is only regarding procedure to be followed and not on the merits of the controversy between the parties. The Sub-Divisional Officer will take a decision as he may deem fit in fact and the law.

5. Writ petition is disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)