

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 4449 OF 2023

Shashikant Trambak Deshmukh and Ors. ... Petitioners

V/s.

Balkrushna Pandurang Mundhe and Ors, ... Respondent

Mr. Pramod Patil with Mr. Ajit Hon with Ms. Kunjan Jogdand with
Ms. Sakshi Thombre with Mr. Shyamsundar Solanke i/b. PNP and
Associates for the Petitioners

Mr. Saurabh Oka for Respondent Nos. 1 to 9

Mr. Sumit Kate i/b. Dr. U.P. Warunjikar for Respondent Nos. 10 &
11

Mr. Govind Solanke for Respondent No.13

Mr. Ashutosh Mishra for Respondent No. 16 – UOI

Mr. V.M. Mali, AGP for Respondent No. 14

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

DATE : 28 FEBRUARY 2024

P.C. :-

Heard the learned Counsel for the parties.

2. By this Petition the Petitioners have challenged the order
passed by the Respondent No.14 – Competent Authority and Sub-

Divisional Officer, Ulhasnagar on 12 December 2022. The Survey No. 13/2 situated at Village - Dahivali, Taluka - Ambarnath, District - Thane was acquired for the purpose of Express Highway. The Petitioners raised a claim as regard the payment of compensation and as per Section 3H(3) of the National Highways Act, 1956, by the impugned order the sub-Divisional Officer held that matter is not required to be referred to the Competent Court in the light of the objections raised by the Respondent Nos. 1 to 13. Same time it was also directed that the amount of compensation be deposited in the Court of Civil Judge, Senior Division, Kalyan. We are informed that the amount is so deposited.

3. The Competent Authority directed that the amount be deposited with the Competent Court i.e. Civil Judge, Senior Division, Kalyan, however, did not refer the matter to the Civil Judge, Senior Division, Kalyan. Therefore, both the parties, the Petitioner and the Respondent Nos. 1 to 13 are aggrieved by the impugned order.

4. The learned Counsel for the Petitioners and the Respondent Nos. 1 to 13 state that they have resolved the dispute and have decided how the amount should be apportioned and they intend to file the consent terms to that effect.

5. In the light of these circumstances, the Competent Authority will make a reference to the Competent Court i.e. the Civil Judge, Senior Division, Kalyan within a period of two weeks. It is open to the parties to submit their consent terms in the said Court.

6. With this clarification, the Writ Petition is disposed of.

M.M. SATHAYE, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

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