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

WRIT PETITION NO. 542 OF 2024

Tanaji Gotiram Patil and Ors.

... Petitioners

V/s.

The Competent Authority and the
Sub-Divisional Officer and Ors.

... Respondents

Mr. Dushyant Pagare for the Petitioners

Mr. M.M. Pabale, AGP for the Respondent Nos. 1 to 3

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

DATE : 17 JANUARY 2024

P.C. :-

Heard the learned Counsel for the parties.

2. The subject matter of this Petition is the land Survey No. 173, Hissa No.2 situated at Village Narhan, Taluka – Ambernath, District – Thane. The land has been acquired for the purpose of Virar – Alibaug State Highway and the amount is deposited with the Land Acquisition Officer. The Petitioners have raised an objection as contemplated under Section 19C of the Maharashtra Highways

Act, 1955. It is the contention of the Petitioners that neither the objection has been decided nor any decision is taken whether the matter needs to be referred to the Competent Court and the Petitioners seek directions in that regard.

3. The Petition was filed on 25 October 2023. The learned Counsel for the Petitioners on instructions states that even as on today no order is passed neither any amount is disbursed. Proceeding on this assertion of the Petitioners, we dispose of the Petition directing that the Land Acquisition Officer will proceed to decide the matter at the earliest. If he comes to the conclusion that the dispute does not arise and the amount needs to be disbursed, then he will state the reason for the same and would not disburse the amount for a period of four weeks after such decision. If the Land Acquisition Officer is of the opinion that the matter needs to be referred to the Competent Court then will proceed to pass an appropriate order.

4. We make it clear that by this order we have only directed that the methodology under Section 19C to be followed and we have not commented on the merits of the Petitioners' case or the claim of the Respondent No.4 and all contentions are kept open.

5. The Writ Petition is accordingly disposed of.

M.M. SATHAYE, J.

NITIN JAMDAR, J.