

PVR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 15965 OF 2022

Mansing Shamrao Nalawade And Ors ...Petitioners
Versus
State Of Maharashtra Rural Development Dept & Ors ...Respondents

AND

Writ Petition NO. 4931 OF 2024

Mansing Shamrao Nalawade And Ors	...Petitioners
Versus	
State Of Maharashtra Rural Development And Ors	...Respondents

Mr. Sandeep Koregave, for the Petitioners in both the petitions.
Ms. P. J. Gavhane, AGP for the State in WP 15965/2022.
Ms. M. S. Bane, AGP for the State in WP 4931/2024.

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

DATED: 29 August, 2024

P.C.

1. The petitioners in both these petitions are common, however, the lands subject matter of acquisition in relation to these petitions are stated to be different. Mr. Koregave, learned Counsel appearing for the petitioners submits that the petitioners in both the petitions are pressing the petitions for a limited prayer, namely, prayer clause (a), by which a direction is sought against respondent no.3 - Competent Authority-Deputy Collector (Land Acquisition) No.6 for reference to be made to the Civil Court under the provisions of Section 3H(4) of the National Highways Act, 1956. The

relevant prayer being prayer clause (a) in both the petitions are required to be noted, which read thus:-

Writ Petition No.15965 of 2022

(a) This Hon'ble High Court be pleased to issue a suitable appropriate writ of mandamus, or appropriate writ, order or direction, directing the Respondent No.3 to refer the dispute of apportionment of compensation to the Ld. Civil Court, Kolhapur to take appropriate decision in respect of objection filed by Petitioners on 23.05.2022, 20.09.2022 & 10.10.2022 in view of Section 3H(4) of National Highway Act, 1956."

Writ Petition No.4931 of 2024

(a) This Hon'ble High Court be pleased to issue a suitable appropriate writ of mandamus, or appropriate writ, order or direction, directing the Respondent No.3 to refer the dispute of apportionment of compensation to the Ld. Civil Court, Kolhapur to take appropriate decision in respect of objection filed by Petitioners on 30.05.2023, 27.06.2023, 28.06.2023 in view of Section 3H(4) of National Highway Act, 1956."

2. Mr. Koregave also submits that he has been orally informed that respondent No.3 has already made reference of the dispute between the petitioner and tenants of the property in regard to apportionment of the compensation, to the Civil Court, however, to this effect he does not have any instructions in writing. Learned AGP also does not have any instructions in that regard.

3. Be that as it may, this ought not detain the Court to consider the limited prayer as made by the petitioners that the dispute in regard to apportionment of compensation in regard to the land in question and arising out of the land acquisition award dated 11 April 2022 (page 64) be

ordered to be referred to the Civil Court. Thus, if reference is already not made, the dispute between the parties on apportionment be referred to the Civil Court by respondent No.3 within a period of four weeks from today, by keeping open all the contentions of the petitioners and the other parties to be agitated before the Civil Court. The petitioners as also the other parties are at liberty to make appropriate applications before the Civil Court in regard to any order they intend to obtain on further disbursement of compensation. All contentions in that regard are expressly kept open.

4. Ordered accordingly.

5. Both the petitions are disposed of in the above terms. No costs.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)