

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12344 OF 2024

1. Shivaji Kisan Adaling
& 3 Ors.

... Petitioners

Versus

1. The Competent Authority cum Sub Divisional
Officer, Baramati Sub-Division, Baramati
& 17 Ors.

... Respondents

Mr. Sushant Prabhune a/w. Ms. Mamta Pandey, for petitioners.

Ms. M.S. Srivastava, AGP for respondent-State.

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

Date : August 30, 2024

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1. Not on Board. Mentioned. Taken on Production Board.
2. We have heard learned counsel for the parties.
3. The only substantive prayer as made in this petition is that a reference be made by the competent authority to respondent No.1/the competent civil court in regard to the dispute between the petitioner and respondent Nos. 2 to 17 in regard to the apportionment of the land acquisition compensation, which is subject matter of acquisition under the National Highways Act, 1956. Although the private respondents are not served, considering the nature of the order we intend to pass, in

our opinion, no prejudice would be caused to the private respondents as there appears to be a dispute in regard to the apportionment of the compensation as seen from the impugned order dated 12 August, 2024 passed by the Sub-Divisional Officer/competent authority (Exh. "F"/page 161).

4. As the petitioners are aggrieved by the impugned order and is not accepting the said order dated 12 August, 2024 passed by the competent authority, the only course of action which is available is to refer the dispute to the decision of the competent principal civil court of original jurisdiction as per the provisions of Section 3H(4) of the National Highways Act, 1956. We accordingly dispose of this petition in terms of the following order :

(i) The competent authority is directed to make a reference in regard to the apportionment of the compensation to the appropriate/principal court of civil jurisdiction as per the provisions of Section 3H(4) of the National Highways Act, 1956, within a period of four weeks from the date a copy of this order is placed before him. All contentions of the parties including that of the private respondents are expressly kept open to be agitated appropriately in the proceedings before the principal civil court, including to make an application for proportionate disbursement of the compensation.

5. Needless to observe that as the reference is being made to the civil court, none of the parties shall make an application for withdrawal of the compensation amount to the competent authority and the same shall be made to the civil court and shall be subject to the appropriate orders passed by the civil court as the law would mandate.

6. Disposed of in aforesaid terms. No costs.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI , J.)