



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2818 OF 2021

Shri Murlidhar S/o Lahanuji Khangar and another .Vs. Deputy Collector, Land
Acquisition (General) and Competent Authority National Highway Land
Acquisition, Nagpur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.B. Turankar, Advocate for petitioner.

Shri V.A. Thakre, A.G.P. for respondent No.1/State.

Shri A.A. Kathane, Advocate for respondent No.2.

CORAM : ANIL S. KILOR, AND
SMT.M.S. JAWALKAR JJ.

DATED : 11/03/2024

1. The order passed by the Deputy Collector dated 12.02.2019 referring the dispute raised by the respondent No.6 under Section 3(H)(4) of the National Highways Act, 1956 thereby referring the dispute under Section 3(H)(4) of the National Highways Act, 1956 to the Civil Court for decision, is under challenge in this writ petition.

2. From the record, it appears that, the respondent No.6 raised an objection on 23.08.2018 to the disbursement of the amount to which the petitioners filed their reply. From the reply, it appears that there are several disputed facts involved in the matter about the

disbursement of the amount. The Deputy Collector therefrom rightly referred the matter to the Civil Court for decision.

3. Moreover, this writ petition was filed on 23.11.2020 whereas, the impugned order is dated 12.02.2019. Thus, there are delay and laches in challenging the order dated 12.02.2019, referring the dispute in the Civil Court.

4. Furthermore, after filing of this writ petition, till date, no stay was granted to the reference pending in the Civil Court and accordingly, the Reference Court proceeded with the matter.

5. It is pertinent to note here that, the another order which is under challenge in this writ petition is 05.10.2020 thereby, the Reference Court has rejected the application moved by the petitioners for withdrawal of the amount.

6. The fact of moving such application before the Reference Court shows that, the petitioners submitted to the jurisdiction of the reference Court and after rejection of the said application, now raised challenge to the order of the

Deputy Collector dated 12.02.2019, making reference to the Civil Court.

7. In the circumstances, we hereby reject the challenge raised to the order dated 12.02.2019 for the reasons recorded herein above.

8. As regards the order below Exh.12 dated 05.10.2020, the learned Reference Court has observed that, considering the facts and circumstances of the case, the question of apportionment of compensation at the interim stage, cannot be allowed. The Court further observed that, without any evidence, the separate share and substantial rights of the parties, cannot be adjudged.

9. In absence of any perversity or we do not find any error committed by the learned trial Court in rejecting the application for withdrawal of the amount, we are not inclined to interfere with it.

Accordingly, the writ petition is **dismissed**.

(SMT. M.S. JAWALKAR, J)

(ANIL S. KILOR, J)