



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4253 OF 2022

Piyush Infratech Pvt. Ltd.

..Petitioner

Vs.

Union of India and ors.

..Respondents

AND

WRIT PETITION NO.5083 OF 2021

Monika Ajeet Mulay

..Petitioner

Vs.

Union of India and ors.

..Respondents

AND

WRIT PETITION NO.5107 OF 2021

Vandana Sharad Gore

..Petitioner

Vs.

Union of India and ors.

..Respondents

Mr.M.S.Deshmukh, Advocate h/f. Mr.U.L.Momale, Advocate for petitioner in Writ Petition No.4253 of 2022

Mr.S.C.Arora, Advocate for petitioners in Writ Petition Nos.5083 of 2021 and 5107 of 2021

Mr.P.K.Lakhotiya, AGP for respondents – State

Mr.R.R.Bangar, Advocate for respondent nos.1 and 5 in Writ Petition No.4253 of 2022

Mr.R.B.Bhosale, Advocate for respondent nos.1 and 4 in Writ Petition No.5107 of 2021

Mr.A.N.Patale, Advocate for respondent nos.1 and 4 in Writ Petition No.5083 of 2021

Mr.D.S.Manorkar, Advocate for respondents – National Highway Authority of India

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : AUGUST 18, 2025**

ORDER :-

Heard.

2. These petitions are taken up together since common questions of law and facts arise therein.

3. The lands in Gut Nos.310 and 311, situated at village Gandheli, Tq. and Dist. Aurangabad, are said to have been acquired for National Highway No.211. The highway has, now, been laid. Initially, the competent authority passed award in favour of the petitioners – Monika Ajeet Mulay and Vandana Sharad Gore (in Writ Petition Nos.5083 of 2021 and 5107 of 2021). Lateron, the petitioner – Piyush Infratech Pvt. Ltd. (in Writ Petition No.4253 of 2022) raised objection claiming that its lands in Gut No.311 have been affected. It raised it's claim on the basis of the sale-deed dated 31.05.2011. Learned counsel for the respondent - National Highway Authority would submit that since the names of the petitioner – Piyush Infratech Pvt. Ltd. (in Writ Petition No.4253 of 2022) did not figure in the revenue record, no notice was given to it nor an award has been passed in its favour. The record indicates that the lands have been measured four times. Reports thereof indicate that the name of the

petitioner – Piyush Infratech Pvt. Ltd. (in Writ Petition 4253 of 2022) also, is shown as the affected land owner. It is informed that in terms of the award passed by the competent authority, the amount of compensation has already been paid to the petitioners – Monika Ajeet Mulay and Vandana Sharad Gore (in Writ Petition Nos.5083 of 2021 and 5107 of 2021). Since it was noticed that the petitioner – Piyush Infratech Pvt. Ltd. (in Writ Petition 4253 of 2022) was affected, the competent authority tried to review the award and even issued notice to the petitioners – Monika Ajeet Mulay and Vandana Sharad Gore, calling upon them to pay back the amount of compensation.

4. This Court cannot go into the factual matrix of the matter. In view of Sections 3H(3) and 3H(4) of the National Highway Act, the disputes as regards apportionment of the compensation and claims of the parties interested in the land acquired for a national highway, are to be decided by the Principal Civil Court of Original Jurisdiction, i.e. District Judge (in view of Section 7 of the Maharashtra Civil Courts Act).

5. It would, therefore, be in the fitness of things to direct the competent authority to refer all the claims to the Principal Civil Court of Original Jurisdiction, for decision. Notices issued to the

petitioners - Monika Ajeet Mulay and Vandana Sharad Gore, therefore, need to be set aside.

6. In view of the above, the petitions are disposed of in terms of the following order:-

(i) The notice dated 29.01.2020, having reference no.109/2019 and the order passed in inquiry no.18/2019 on 02.05.2019, are hereby set aside.

(ii) The competent authority shall refer all the claims made by the petitioners herein to the Principal Civil Court of Original Jurisdiction, i.e. District Judge, for decision thereon, within a period of four weeks from the date of receipt of a copy of this order.

(iii) The Principal Civil Court of Original Jurisdiction shall decide the rival claims within the time frame of one year from the date of receipt of the reference.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP