



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

987 WRIT PETITION NO. 8030 OF 2021

Kavita Anil Abhale

VERSUS

The State Of Maharashtra Thr Dist Collector Ahmednagar And Others

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Mr.Vithal H. Dighe, Advocate for the Petitioner

Mr.S. J. Salgare, AGP for Respondents/State

Mr.S. S. Deve, Advocate for Respondent No.3.

Mr.U. R. Awate i/b. Talekar And Associates, Advocate for Respondent Nos.4 to 7.

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WITH

CIVIL APPLICATION NO. 8517 OF 2025 IN WP/8030/2021

CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATED : DECEMBER 04, 2025

P.C.:

1. Heard.

2. The land in Gut No.42 belongs to the petitioner herein, out of which 300 sq. mtrs. portion has been acquired for construction of a National Highway. After compliance of the mandates of Section 3-H of the National Highways Act, 1956 an award was passed. The private respondents herein raised objection claiming to have interest in the well which was affected by the acquisition. Before that the petitioner had already been paid the amount of compensation.

3. Since the private respondents claimed the well to have been held in common by them and the petitioner herein, it is necessary a dispute in terms of Section 3-H(4) of the National Highway Act, 1956, the Competent Authority therefore ought to have referred the same to the Principal Civil Court of Original Jurisdiction, Ahilyanagar for deciding

the rival claims. Since the same has not been done, we direct Respondent No.3 to refer the same to the said Court.

4. Since the petitioner is found to have been overpaid and she did not respond to the notices issued to her to pay back the amount said to have been overpaid, Respondent/State Authorities have entered the State's name in the Revenue Record of the land in Gut No.42. In this petition *status quo* order is operating.

5. Since Respondent No.3 is now directed to refer the matter to the Principal Civil Court of Original Jurisdiction, Ahilyanagar and the petitioner is ready to furnish the solvent security in the sum of Rs.6,00,000/-, we direct the State Authorities to remove its name from the Revenue record of Gut No.42 within a period of 4 weeks after the petitioner furnish solvent security in the sum of Rs.6,00,000/-. The security shall be furnished before the Principal Civil Court of Original Jurisdiction, Ahilyanagar and Respondent No.3 as well.

6. The Tahsildar concerned shall issue the petitioner solvency certificate on the strength of remaining land in Gut No.42 without waiting for the removal of the State Authority's name from the 7/12 extract of the very land.

7. Impugned order dated 08.12.2020 passed by R-3 would stand set aside after the petitioner furnishes solvent security in the sum of Rs.6,00,000/-.

8. The security shall remain in force for a period of six months after the decision by Principal Civil Court of Original Jurisdiction, Ahilyanagar.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]