

apportionment of the shares to the Principal Civil Court in accordance with the provisions of Section 3-H of the National Highways Act, 1956.

4. Mr. Singh has appeared on behalf of Executive Engineer, National Highway Authority of India. We appreciate the stance of the learned A.G.P in informing Mr. Rakesh Singh to appear as we could get valuable assistance from Mr. Singh in the matter.

5. In the facts of the present case, we are satisfied that respondent No.2 should have referred the dispute with regard to the entitlement and apportionment of the shares to the Principal Civil Court in accordance with the provisions of section 3-H of the National Highways Act, 1956. What respondent No.2 has done by the order dated 9th January, 2020 which is impugned in this petition is that he himself has decided the entitlement and apportionment of the shares which was not permissible for him to do. Accordingly, the impugned order dated 9th January, 2020 is set aside. Respondent No.2 is directed to refer the dispute with regard to the entitlement and apportionment of the shares to the Principal Civil Court in accordance with the provisions of section 3-H of the National Highways Act, 1956.

6. Since the impugned order dated 9th January, 2020 is set aside, the Competent Court shall obviously not be influenced by any findings rendered therein.

7. The reference shall be made at the earliest and within the period prescribed by the Statute. The disbursement, if any made, shall be obviously subject to the order of the Civil Court.
8. Learned A.G.P to bring this order to the notice of the respondent No.2.
9. The petition is disposed of in the aforesaid terms. No order as to costs.
10. Parties to act on the authenticated copy of this order.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]