

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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NANDIWADEKAR

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WRIT PETITION NO.2824 OF 2019

Ramesh Sakharam Khedekar	..	Petitioner
<u>Versus</u>		
Union of India & Ors.	..	Respondents

Mr. Ravindra R. Chile for the petitioner.

Mr. Aditya R. Deolekar, AGP for respondent nos.2 & 3-State.

**CORAM M.S. Sonak &
 Jitendra Jain, JJ.**

DATED: 28 March 2025

PC :-

1. Heard learned counsel for the parties.
2. The learned counsel for the parties states that service is effected on all the respondents.
3. This petition concerns property bearing Survey No.608 (Old Survey No.115/7/1) area measuring 1-38-0 Hectare, at Mauje Veral, Tal. Khed, District Ratnagiri, out of which 0-60-0 Hectare area is acquired for National Highway No.66 (Old No.17) under the National Highways Act, 1956 ('the Act').
4. The petitioner claims an interest in the acquired property and, therefore, by application dated 27 March 2018, wrote to the Competent Authority under the Act about his interest and requested the Competent Authority to refer the apportionment dispute to the Principal Civil Court of Original Jurisdiction in terms of Section 3H(4) of the Act.
5. Despite such a request, the Competent Authority has not made any such reference. Hence, this petition.

6. The matter was adjourned to enable the learned Additional Government Pleader to obtain instructions. No clear instructions are forthcoming. However, the petitioner has filed an additional affidavit stating that the Competent Authority has not disbursed the compensation amount to any party to date.

7. Considering the law laid down in *Vinod kumar & Ors vs. DM Mau & Ors.*¹ and this Court in *Sojar vs. Krishnath*², the Competent Authority, in the facts and circumstances of this case, was duty bound to refer the apportionment dispute raised by the petitioner for determination to the Principal Civil Court of Original Side at Ratnagiri. No reasons are forthcoming why the Competent Authority is not making the reference.

8. Therefore, we direct the Competent Authority (Respondent no. 3), now represented by Mr. Deolekar, learned AGP, to refer this dispute within one month from today to the Principal Civil Court of Original Side at Ratnagiri. Along with the reference, the Competent authority must, within the same period, forward the Compensation amount as may have been determined by the Competent Authority to the Principal Civil Court of Original Side at Ratnagiri. Compliance must be filed by the Competent Authority in this Court by 5 May 2025 with an advance copy to the learned counsel for the petitioner.

9. Upon receipt of such reference, the Principal Civil Court of Original Side should dispose of such reference in accordance with law and after issuing notice to all interested parties and complying with the principles of natural justice and fair play.

10. The amount that the Competent Authority shall forward be invested by the Principal Court of Civil Court of Original Side at Ratnagiri in a nationalised bank in some appropriate interest-

¹ 2023 SCC Online SC 787

² 2025 SCC Online Bom 307

bearing instrument. Such amount shall abide by the decision of the Court in the apportionment dispute.

11. We clarify that we have not examined the rival contentions of the petitioner and the respondents on merits because these matters will have to be examined by the Principal of the Civil Court of Original Side to which reference is directed to be made.

12. The petition is disposed of with the above directions but without any cost order. All concerned to act on the authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)