

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13574 OF 2024

Dilip Shivchand Kasat And Anr.

...Petitioner

Versus

Sub Divisional Officer, Ratnagiri @
Competent Authority Of National
Highway No.166 And Ors.

...Respondents

....

*Adv. Dilip Bodake a/w Mr. Mohsin Khan, Mr. Viraj Dhumal, Adv.
Saiprasad Patil and Adv. A. Dhumal for Petitioners.
Ms. T. J. Kapre, A.G.P.for Respondent- State.*

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**CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATE : 9th DECEMBER, 2025.

P.C:

1. Heard Mr. Bodake, learned counsel for the petitioners.
2. The petitioners are challenging the impugned award dated 4th July, 2023, passed by the Sub-Divisional Officer, Ratnagiri. The petitioners are the owners of the agricultural land in question.
3. It is the contention of the learned counsel for the petitioners that without following the due process of law and without considering the objections raised by the petitioners in respect of the amount of compensation, the objections are disposed of vide impugned intimation letter dated 27th February, 2024.

4. The final award under Section 3G of the National Highways Act, 1956 was made on 4th July 2023, by which the compensation of Rs.2,34,205/- for plot of land and the building thereon for Rs.11,94,445.50/- were awarded. According to the petitioners, the compensation was wrongly claimed by and paid to the Respondent No.3.

5. The petitioners having learned about the passing of the award, submitted an application to the respondent No.1-Sub-Divisional Officer, Ratnagiri, on 8th February, 2024, thereby objecting to the disbursement of the compensation amount to Respondent No.3.

6. The respondent No.3, who was the original owner of the said land had obtained loan from the bank and committed default. The property was, therefore, auctioned. The petitioners are the auction purchasers. On the basis of the name of the Respondent No.3, which was entered in the 7/12 extract, the compensation which was payable to the petitioners was wrongly disbursed in favour of the respondent No.3.

7. On 31st May 2024, the petitioners sent representation through R.P.A.D. to Respondent No.1-Sub-Divisional Officer, Ratnagiri, thereby calling upon them to initiate the action to recover the compensation amount, which has been wrongly or inadvertently disbursed to the respondent No.3 and pay the said compensation amount to the

petitioners as per the award dated 4th July 2023 passed by the respondent No.1.

8. In the alternative it was prayed to refer the dispute to the decision of the Principal Civil Court, Ratnagiri, as per Section 3-H(4) National Highways Act, 1956. However, it is the submission of the learned counsel for the petitioners that till date no action or steps have taken by the respondent No.1.

9. We have heard learned AGP, who opposed the petition.

10. In our view, if the petitioners claim to be the owners of the subject property, which was acquired, and assert their right to the compensation, the Respondent No.1-Competent Authority has to look into such grievance and if satisfied, initiate steps for recovering the amount of compensation from the respondent No.3. In the event, if the respondent No.1 finds any dispute is arising as to the apportionment of the amount, the Competent Authority shall refer the dispute for a decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

11. In such view of the matter, we direct respondent No.1 to hear the petitioners' grievance as regards their claim for recovery of the compensation wrongly or inadvertently paid to the Respondent No.3, for considering the question of referring the dispute to the Competent Authority under Section 3-H(4) of the National Highways

Act, 1956.

12. The petitioners to remain present before the Competent Authority on 22nd December 2025 at 11:30 a.m. along with a copy of this order. The copy of the petition be placed on record.

13. After hearing the petitioners and the respondent No.3, the Competent Authority may pass appropriate orders in accordance with law within a period of eight weeks from 22nd December 2025.

14. Petition is disposed of.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]