

Tikam

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

WRIT PETITION NO. 10185 OF 2024

VAISHALI
ANIL
TIKAM

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Baban Maryappa Randive

...Petitioner

Vs.

The State of Maharashtra

Through the Secretary

...Respondent

Mr. Anand S. Patil, for the Petitioner.

Mr. B.V. Samant, Addl. G.P. a.w. Ms. T.J. Kapre, AGP for the
State.

**CORAM Bharati Dangre &
 Jitendra Jain, JJ.**

DATED: 13 March 2025

PC:-

1. The petitioner is aggrieved by the order dated 29 December 2022 passed by respondent No.2 which has refused to pay the compensation to him pursuant to the land in Gat No. 348 situated at Village Andhalgaon, Taluka Mangalvedha, District Solapur admeasuring 1800 sq. mtrs which has been acquired. It is the claim of the petitioner that he is entitled for the compensation of Rs. 21,00,000/- for the land acquired of 231 sq. mtrs.

 We have perused the impugned order dated 29 December, 2022 and we find the name of the petitioner being mentioned as one of the complainants along with Prashant Mahadev Randive.

Reading of the said order passed under Section 3H(3) of the Act, prima facie reveals that the land which was acquired for National Highway at Mouje Andhalgaon, Taluka Mangalvedha, District Solapur stood in the name of Maryappa Randive and the applicant and respondent to the said proceedings are the legal heirs. A perusal of the order reveals that the authority has dealt with the specific objections raised by the complainants and as per the objection of the petitioner is concerned, the specific reasoning adopted in rejecting the same is, the acquired area from Gat No. 348 is 0.18 gunthas and it was the claim of the petitioner that the land admeasuring 0.07 has come to his share and he claimed compensation for the same. However, the said objection is rejected by noting that the land which has come to the share of the petitioner is not acquired.

In contra, the objection as regards Prashant Mahadev Randive is concerned, it is recorded that Gat No. 348 is not partitioned till date.

2. The learned counsel for the Petitioner has invited our attention to Section 3H(4) of the Act, which clearly contends that if any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated. Sub-clause 3 of Section 3 would come into picture in the contingency with several persons claimed to be interested in the amount deposited

under sub-section 1 and it do not deal with the dispute. Evidently, from the impugned order it is cleared that there is a dispute between the various complainants in regards the land in Gat No. 348 which has been acquired for the National Highway and it was imperative for referring the dispute as per the 3H(4) to the Competent authority.

3. We are of the prima facie view that it ought to have been referred to competent authority. However we deem it appropriate to issue notice to Respondent No. 5, who is contesting respondent and also to Respondent Nos. 6 to 18 who are supporting the petitioner by making it returnable on 17 April 2025. We also direct to file an affidavit on behalf of Respondent Nos. 1 to 4. Upon being served, the Respondents are at liberty to file affidavit in reply along with the Respondent Nos. 1 to 4.

4. Stand over to to 17 April, 2025.

(Jitendra Jain, J)

(Bharati Dangre, J)