



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
: NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 270 OF 2024

RAMZAN ALI SAYYED AHMED ALI

VERSUS

STATE OF MAH., THRU. THE COLLECTOR, CHANDRAPUR AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. S. K. Bhandarkar, Advocate for the petitioner
Mrs. K. H. Bhondge, A.G.P. for respondent nos. 1 and 2
Mr. A. M. Chandekar, Advocate for respondent nos. 3, 4, 6 and 7
Ms. Kirti Satpute, Advocate for respondent no.5
Mr. Anish A. Kathane, Advocate for respondent no.8

CORAM : M. W. CHANDWANI, J.

DATE : DECEMBER 05, 2025.

1. Heard.
2. This petition challenges the judgment and order dated 01.12.2023 passed by the learned Ad-hoc District Judge-1, Chandrapur in Misc. Civil Appeal No. 06/2023, thereby dismissing the appeal filed by the petitioner and confirming the order dated 06.01.2023 passed by the learned 2nd Joint Civil Judge, Senior Division, Chandrapur in Regular Civil Suit No. 291 of 2022 whereby, the application (Exh.5) for grant of temporary injunction for restraining respondent nos.1 and 2 from disbursing the amount of compensation to respondent nos.3 to 7 pending the suit came to be dismissed.
3. The petitioner claims himself to be an interested person being the legal heir of Sayyed Ahmed Ali, the owner of the agricultural land acquired by respondent no.2 for respondent no.8 NHAI. Some structures were

also erected on the said land by respondent nos. 3 to 7. Respondent no.2 – Competent Authority passed the award in favour of the petitioner and respondent nos. 3 to 7 being the owner of the land and the occupants of the structures thereon, respectively. Respondent no.8 deposited the amount with respondent no.2 in terms of the award. While disbursing the amount of the award, notices came to be issued to the petitioner as well as respondent nos.3 to 7. Feeling aggrieved with the action of respondent no.2, the petitioner filed a civil suit before the civil Court and also moved an application (Exh.5) for temporary injunction for restraining respondent nos.1 and 2 from disbursing the amount till disposal of the suit. The trial Court rejected the said application and the same has been confirmed by the first Appellate Court by the orders impugned.

4. Having heard the learned counsels for the petitioner and the respective respondents as well as having gone through the record and relevant provisions of The National Highways Act, 1956 (hereinafter referred to as “the Act of 1956”), it is revealed that under Section 3-H of the Act of 1956, the Competent Authority is empowered to determine the claim of the persons interested in the amount and can decide any dispute arising as to apportionment of the amount or any part thereof to any person. The Competent Authority also has the power to refer the dispute to the decision of the principal Civil Court of original jurisdiction.

5. I have perused the orders impugned. Both the Courts have rightly relied on Section 3-H of the Act of 1956 and refused to grant interim relief. Therefore, I do not find substance in the petition. The petitioner can certainly approach the Competent Authority for deciding the dispute under Section 3-H of the Act of 1956. Therefore, the petition is disposed of in the following terms :

- i] The writ petition is dismissed.
- ii] The petitioner is at liberty to avail the right available under Section 3-H(3) of The National Highways Act, 1956 by filing an application before the Competent Authority for determination of his claim within two weeks from the date of this order.
- iii] In the meanwhile, the Competent Authority shall maintain status-quo with regard to payment of award for a period of two weeks.
- iv] If such claim is made by the petitioner, the Competent Authority shall proceed to decide the dispute or may invoke the power under Section 3-H(4) of the Act of 1956.
- v] The amount shall not be disbursed in favour of respondent nos. 3 to 7 for a period of two weeks.
- vi] If the petitioner fails to approach the Competent Authority within two weeks, then the Competent Authority may use its discretion and determine in whose favour the amount is to be disbursed, in accordance with law.

vii] Needless to mention that respondent no. 8 may proceed with its activities on the acquired land.

(M.W.Chandwani, J.)

Diwale