

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL REVISION APPLICATION NO. 169 of 2022

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RAJESH AMRUTBHAI PATEL

Versus

RAMANBHAI BHIKHBHAI PATEL

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Appearance:

MS ARCHANA P PATEL(5430) for the Applicant(s) No. 1,2,3,4
for the Opponent(s) No. 1,10,11,12,13,2,3,4,5,6,7,8,9

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CORAM: HONOURABLE MR. JUSTICE UMESH A. TRIVEDI

Date : 23/03/2022

ORAL ORDER

1. Heard Ms. Archana P. Patel, learned advocate for the applicants.
2. According to her submission, apart from the suit filed by the respondent No. 1 – original plaintiff, though not seeking specific performance, in essence the plaintiff claims compensation into the land claiming his right which is acquired under the National Highways Act, 1956 (hereinafter referred to as “the Act”). However, she has further submitted that in view of sub-section 4 of Section 3(H) of “the Act”, any dispute arises as to the apportionment of amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority has to refer the dispute to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.
3. It is further submitted that the plaintiff has to get his claim registered before the competent authority and then only

it can be referred to the decision of the competent Civil Court. However, for anything claimed as compensation by plaintiff, he has to first approach the competent authority as provided under “the Act” and no suit is maintainable, in view of the clear provision of “the Act”.

Hence, **Notice** returnable on **25.04.2022**.

4. Till final disposal of this application, further proceedings of Special Civil Suit No. 8 of 2020 pending with the Court of learned Principal Senior Civil Judge, Gandevi, is hereby stayed.

(UMESH A. TRIVEDI, J.)

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