

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1181 OF 2026

Vasudev Kisan Chaudhari .. Petitioner

V/s.

The State of Maharashtra Thr. The .. Respondents
Principal Secretary Revenue and Forest
Department and Ors

Mr. Sumedh S. Modak, i/b Mr. Vijay Killedar, for the Petitioner.

Mr. R. S. Pawar, AGP for Respondent Nos. 1 and 2 - State.

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CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.

DATE : 18TH FEBRUARY 2026.

PC:

1. Heard learned counsel for the petitioner. It is submitted that in the present case, the Respondent No. 2- Competent Authority and Sub-Divisional Officer has erred in rejecting the objection filed by the petitioner. It is submitted that in the facts and circumstances of the present case, the Respondent No. 2 ought to have referred the dispute raised by the petitioner under Section 3H[4] of the National Highways Act, 1956, to the Principal Civil Court of Original Jurisdiction within the limits of whose jurisdiction the subject land is situated.

2. Considering the nature of dispute raised by the petitioner and the documents filed along with the writ petition, we find that the petitioner has made out *prima facie* case in his favor.

3. Issue notice for final disposal returnable on 24th March 2026, 'High on Board.' Learned AGP waives notice on behalf of Respondent No. 1 and 2. Additionally, the petitioner is permitted to serve Respondent Nos. 3 and 4 by way of private service and to file affidavit of service before the returnable date.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)