

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 5289 OF 2015

Dattarao s/o Deorao Mule
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. R.J. Nirmal, advocate for petitioners.
Mrs. A.V. Gondhalekar, AGP for the State.

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**CORAM : R.M. BORDE &
V. K. JADHAV JJ.
DATE : 8th MAY, 2015**

PER COURT :

1. Petitioners have been directed to vacate the houses occupied by them since long. Petitioners claim that they are flood affected persons and, by way of rehabilitation measures they have been allotted houses under the rehabilitation scheme formulated by the State Government. It does appear that the Sub-Divisional Officer has conducted an inquiry in pursuance to the directions issued by the Collector and, tendered his report to the Collector. It is recorded in the report that the petitioners are unauthorisedly occupying the houses and they do not have entitlement in respect of allotment of the tenaments. Petitioners contend that before initiating proposed action and even at the stage of inquiry, they were not heard in the matter. The order has been issued in violation of the principles of natural justice.

2. In the facts and circumstances of the case, we deem it appropriate to relegate the petitioners to the Collector with further directions to the Collector to extend hearing to petitioners and pass appropriate order in the matter. Petitioners shall tender appropriate representation alongwith documentary evidence on which they propose to place reliance, to the Collector, as expeditiously as possible, preferably within a period of two weeks from today. On receipt of representation from petitioners, the Collector shall take appropriate decision after extending an opportunity of hearing to petitioners, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of representation and, pass appropriate order.

3. With the directions as above, writ petition stands disposed of. Until final decision of the Collector, respondents are directed to maintain status-quo as on today.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

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