

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1718 OF 2015

Mr. Suresh S. Walishetty. .. Petitioner
Vs
State of Maharashtra and Others. .. Respondents

—
Shri Avinash M. Gokhale for the Petitioner.
Mrs. M.P. Thakur, AGP for the Respondent Nos.1 to 6 and 10.
Mrs. S.V.Bharucha and Shri Sachindra B. Shetye for the Respondent o.9.
Shri Akshay PShinde for Respondent No.7.

--

CORAM : A.S. OKA & A.P.BHANGALE, JJ
DATED : 20TH MARCH 2015

PC.

. Heard the learned counsel appearing for the Petitioner and the learned AGP for the First to Sixth and Tenth Respondents, the learned counsel appearing for the Ninth Respondent and the learned counsel appearing for the Seventh Respondent.

2. The Petition as filed is completely misconceived. The document at Exhibits K-42 to the Petition shows that the Application made by the Petitioner for allotment of a land is not yet finally decided. A proposal prepared on the basis of the Application made by the Petitioner has been forwarded by the District Collector, Raigad along with the letter dated 31st December 2014 to the Additional Chief Secretary (Revenue), Revenue and Forest Department of the State

Government. The said proposal has been forwarded through proper channel. The Collector, Raigad has requested the State Government to take appropriate decision on the said proposal.

3. Hence, the Petition is completely misconceived inasmuch as it proceeds on the footing that there is already a decision taken to allot a particular land to the Petitioner which is described in prayer clause (c).

4. Though the Petition cannot be entertained, a direction will have to be given to the State Government to take appropriate action on the proposal submitted by the District Collector, Raigad.

5. Hence, we dispose of the Petition by passing the following order:

ORDER :

- (a) If the State Government has not taken any decision till today on the proposal dated 31st December 2014 submitted by the District Collector, Raigad to the State Government (Exhibits-K-42), the State Government shall take appropriate decision on the

said proposal within a period of three months from today;

- (b) if a decision has been already taken by the State Government on the said proposal, the same shall be communicated to the Petitioner within a period of two weeks from today;
- (c) We make it clear that we have not made any adjudication on the issue of entitlement of the Petitioner to the allotment of the land;
- (d) All issues are kept open which will be decided by the State Government;
- (e) The Petition is disposed of on above terms;
- (f) All concerned to act upon an authenticated copy of this order.

(A.P.BHANGALE, J)

(A.S. OKA, J)