

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 5175 OF 2013**

**Dumping Basthav Fernandes (deceased)  
through LRs & Anr.**

**..Petitioners**

**Vs.**

**The Collector & Deputy Director  
for Rehabilitation & Ors.**

**..Respondents**

**Mr. Kedar P Lad i/b Mr. P. D. Dalvi for the Petitioners  
Ms M. S. Bane "B" Panel Counsel for the Respondent Nos.1 to 4  
Mr. Harshad Sathye i/b Mr. Harshad Bhadbhade for the Respondent Nos.5  
and 6**

**CORAM : R. M. SAVANT, J.**

**DATE : 31<sup>st</sup> July, 2015**

**P.C.**

1           The Writ Jurisdiction of this Court is invoked against the order dated 22-1-2013 passed by the Respondent No.3, Additional Collector allotting the land in question to the Respondent Nos.5 and 6. The Petitioners herein are the project affected persons who were allotted lands in Gat No.63 as and by way of rehabilitation for the lands acquired from them. The said allotment is made to the Petitioners vide order dated 22-1-2013, the allotment made to the Petitioners was cancelled by the Respondent No.2 by his order dated 28-3-2013 and in turn 40 Ares out of the land allotted to the Petitioners was allotted to the Respondent Nos.5 and 6.

2           The above Petition is pending admission and has been heard from

time to time. The Learned AGP tenders the communication dated 29-7-2015 addressed by the Additional Collector, Kolhapur to Shri Asif Patel AGP in which communication it is stated that both the orders i.e. order dated 22-3-2013 allotting the lands out of Gat No.63 to the Petitioners and the order dated 28-3-2013 cancelling the said allotment and in turn allotting 40 Ares of land to the Respondent Nos.5 and 6 are being withdrawn and that fresh orders would be passed after hearing the parties.

3            In view of the said communication, it is not necessary now to enter into the merits of the above Petition. In the light of the said communication, the above Petition has turned infructuous and is disposed of as such.

4            The Communication dated 29-7-2015 is taken on record and marked as "X" for identification.

5            It is expected of the authorities that a decision would be taken by them expeditiously having regard to the fact that the parties are project affected persons.

**[R.M.SAVANT, J]**