

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10884 OF 2016

SHARAD BABU NAIKWADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. S S Thombre with Mr. Vishwajit R.
Jain(kamboj)

AGP for Respondents: Mr. S.S. Dande.

Advocate for respondent Nos. 8,10,11,16, 17, 23,24, 27 : Mr. V.D. Sapkal,
h/f. Mr. Ajay Shinde.

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CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.

DATE : 25TH OCTOBER, 2016.

PER COURT:

1] Petitioners contend that they have presented appeals to the State Government challenging the order passed by the Commissioner, Revenue Division, rejecting their claims in respect of the houses allotted to them under the beneficial scheme framed for accommodating the Earthquake Affected persons. The appeals tendered by the petitioners are rejected by the Divisional Commissioner by order dated 12.9.2016 and against the order passed by the Revenue Commissioner, Appeals are presented to the State Government and those are pending.

2] Petitioners apprehend their eviction from the suit houses. It is contended that they are in possession of the house properties since 2001 and any adverse action evicting them from the premises would cause hardship to them.

3] Learned counsel appearing for the respondents, on instructions, states that on 14.10.2016 possession in respect of house properties mentioned separately in the note annexed to the order have been taken and the said house properties have been distributed to the other eligible beneficiaries.

4] Petitioners contend that apart from the house numbers in respect of which the record is maintained, there are certain house properties which are possessed by some of the petitioners.

5] Considering the contentions raised by the parties before us, we direct the respondents to maintain status-quo in respect of the house properties, (except those mentioned in the note annexed to this order) referable to the concerned petitioners, who claim to be in occupation/possession of the said house properties (except those house numbers enlisted in the note annexed to the order) till final decision by the State Government and such of those petitioners shall not be evicted until decision of the appeal presented by them to the State Government. Petitioners and contesting respondents shall appear before the State Government on 15.11.2016, as such no separate notice requiring their presence shall be necessary. The State Government is directed to decide the appeals presented by the petitioners, on their own merit and in accordance with law, as expeditiously as possible, preferably within six weeks from today and it is accordingly directed.

6] With the directions as above, writ petition is disposed of.

[K.K.SONAWANE]
JUDGE

[R.M. BORDE]
JUDGE

grt/-