

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5903 OF 2015**

Shivaji Dattu Chougule & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

...

Mr. Chetan G. Patil for the Petitioners.

Mr. V.M. Mali, A.G.P. for Respondent No.1-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 21st JULY, 2016.

P. C. :

Heard the learned counsels appearing for the respective parties.

2. The petition is filed seeking directions to the Respondents to consider the Petitioners' representation dated 23rd December, 2014 and pass appropriate orders expeditiously.

3. Copy of the said representation is annexed at Exh.'A'. Mr. Patil, the learned counsel appearing for the Petitioners submits that the application /representation is filed for restoration of land admeasuring

48.57 R bearing R.S. No.257/2, Kolhapur. He submits that though the said land was already acquired under the MRTP Act by passing an award and the Petitioners have received the compensation, part of the said land is not used for the purpose for which it was acquired. He submits that the Collector of Kolhapur has not decided the said representation. He submits that the Collector can either allow or dismiss the application.

4. Mr. Mali, the learned A.G.P. for the Respondent -State submits that the land was acquired by the Collector, Kolhapur for Kolhapur Municipal Corporation, and the Petitioners have already been compensated in terms of money. Said land is now in possession of the Kolhapur Municipal Corporation and the Petitioners could not have claimed restoration as the Collector has no authority to decide the same.

5. In above circumstances, we are of the considered opinion that this writ petition can be conveniently disposed of by directing the Collector, Kolhapur to decide the Petitioners' representation dated 23rd December, 2014, copy of which is at Exh.'A', as expeditiously as possible and preferably within a period of three months from the date of receipt of this order. Ordered accordingly.

6. It is expressly made clear that we have not gone into the merits and contentions of the respective counsels and the Collector, Kolhapur shall decide the said representation independently on its own merit.

7. The writ petition accordingly, stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)