

numbers now referred in the affidavit-in-reply filed by the respondents - authority, Gat No.72 is in respect of Survey No.26/4 and Gat No.114 is in respect of Survey No.58/5. According to the learned Counsel petitioners, these two Gat numbers pertain to lands which were not acquired but the balance land after acquiring 1 Acre 12 Gunthas and 1 Guntha from Survey Nos.26/4 and 58/5. He also refers to the letter dated 30/12/2014 addressed by the Tahasildar, at page 110 of the petition, to contend that the Tahasildar made it clear that the Gat numbers now referred to are the Gat numbers pertaining to balance land after acquisition, out of Survey Nos.26/4 and 58/5.

3. According to the learned Counsel for petitioners, after acquiring a portion of land from the above two Survey numbers, balance land was left with the petitioners and therefore, entire mutation cannot be in the name of PWD. Therefore, the petitioners are before this Court. On perusal of affidavit, it indicates altogether different meaning. It would rather mean that the Survey numbers which were acquired being present Gat Nos.72 and 114. In other words, the affidavit-in-reply is not too happily worded. On the other hand, at Exh.N at page 110 of the writ petition, the Tahasildar clearly indicates otherwise.

4. Under these circumstances, we direct the respondents - authorities to treat the petition as a representation of the petitioners and rectify the mistakes, if any, as contended by the petitioners, after giving an opportunity of being heard to the parties concerned.

5. The parties must clarify what was the Gat number of acquired lands and what is the Gat number of un-acquired lands, if the above to Survey numbers were measuring more than the lands acquired.
6. The petition is disposed of in the aforesaid terms.
7. All contentions of all parties are kept open.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)