

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1264 OF 2014

Shri Murlildhar Madhav Jagtap.	]	... Petitioner
Versus		
1. State of Maharashtra,	]	
2. The District Resettlement Officer.	]	... Respondents

Mr. S. R. Nargolkar a/w Lenol Coutinho i/b Ms. Meenakshi Sakhare
for Petitioner.

Ms. S. S. Bhende, AGP for State.

**CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.**

DATE :- JANUARY 17, 2017

P. C. :-

1. Heard Mr. Nargolkar, learned Counsel for the petitioner and Ms. Bhende, learned AGP for State.

2. The petitioner has approached this Court challenging the decision dated 19 July 2013 passed by the District Resettlement Officer, Pune, whereby the petitioner's representation dated 28 August 2012 seeking deletion of his land from the project has been rejected. The contention of the petitioner is that there is uncultivated land as also there is a well in the land in question, which were required to be taken into consideration by the authorities while deciding the petitioner's representation. It is submitted that in the impugned decision, the concerned officer has not taken into consideration all

these issues and only on the ground that the slab made applicable to the petitioner is the correct slab, has rejected the representation. It is submitted that there is no application of mind in regard to the issues which are specifically raised in the representation, as submitted by the petitioner.

3. We have perused the impugned communication / order dated 19 July 2013 passed by the District Resettlement Officer, Pune. We find substance in the submissions made on behalf of the petitioner. The issues as raised by the petitioner in the representation and as noted by us above, are not considered by the concerned officer and a mechanical order has been passed only in regard to the slab. We are, therefore, of the opinion that it would be appropriate that the impugned decision dated 19 July 2013 is set aside with a direction that the District Resettlement Officer, Pune, to consider the petition / representation dated 28 August 2012 afresh only after granting an opportunity to the petitioner of being heard and decide the representation in accordance with the law. This exercise may be completed within a period of six weeks from the date of receipt of this order. Writ Petition is accordingly disposed of in the above terms. No order as to costs.

4. The parties to act on an authenticated copy of this order.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)