

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION NO.1100/2017

IN

WRIT PETITION NO.3898/2017 (D)

Moreshwar s/o Jaidev Kalamkar

...Versus...

State of Maharashtra, through Secretary, Rehabilitation Ministry at Mumbai – 32
and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri I.G. Meshram, Advocate for petitioner
Ms N.P. Mehta, AGP for respondent nos.1 to 4

CORAM : B.P. DHARMADHIKARI AND
ARUN D. UPADHYE, JJ.

DATE : 25.09.2017

1. Prayer is to recall order dated 4/9/2017. We are satisfied that learned Counsel was prohibited by sufficient reasons from appearing in the matter. Hence, the order is recalled, as learned Counsel has agreed to argue the writ petition for admission.

2. Misc. Civil Application is disposed of. No costs.

WRIT PETITION NO.3898/2017

1. Heard.

2. Submission is, after objections were raised to notification under Section 4 of the Land Acquisition Act, 1894 the

petitioner was not given any opportunity of hearing. Pleadings in petition are insufficient to note such challenge. On the contrary, in petition, effort is to show that fair opportunity was not given.

3. Emphasis in petition is on fact that petitioner has become landless and therefore, he needs to be rehabilitated. On 20/10/2016 petitioner also has made a representation for that purpose. However, scheme for rehabilitation, if any, has not been pointed out.

4. It appears that petitioner has suffered land acquisition on two occasions and has become landless.

5. We, therefore, grant him opportunity to make proper representation for alternate land or for rehabilitation as per scheme, if any, in this respect.

6. If such representation is made within four weeks from today, the competent authority shall consider it as per law in next three months.

7. With liberty to petitioner to approach again if his grievance is not redressed thereafter, we dispose of writ petition
No costs.

JUDGE

JUDGE