

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2536 OF 2016
ALONGWITH
CIVIL APPLICATION NO. 2078 OF 2017
IN
WRIT PETITION NO. 2536 OF 2016

Smt. Sitabai Manohar Chavan
through POA Mr. Ravindra Kudale ..Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. P.D.Raut for the Petitioner.
Mr. V.D.Patil, for the Respondent No.2.
Mrs. M.P.Thakur, AGP for the Respondent Nos.1 and 3.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JANUARY 09, 2018.**

P.C.

1. Heard the learned Counsels for the respective parties.
2. The petitioner's predecessors along with the respondent no.4. M/s. Hazare & Sons were the owner of the land admeasuring about 21 Acres, which came to be acquired under by PCNTDA. There is no dispute that the petitioner is entitled to the benefit of 12.5% scheme.

The petitioner, however, was not given the benefit of the scheme on the ground that the respondent no.4 Hazare & Sons had excavated the sand and had not paid the fine of Rs.6 crores.

3. Mr. Patil, the Counsel for the Respondent No.2 has stated that the earlier petitions filed by the petitioner were withdrawn. He further submits that subsequently the respondent no.4 had challenged the order before the Appellate Authority and that the fine of Rs.6 crores has been reduced to Rs.24,000/-. Statement is also made that this amount of Rs.24,000/- has been paid by the respondent no.4.

4. Mr. Patil, the learned Counsel for the respondent no.2 states that since the respondent no.4 has paid the fine, the ground on which the earlier claim was rejected is no longer available. He stated that in the event the petitioner files a fresh representation/claim to the PCNTDA for allotment of the plot under 12.5% scheme, the same shall be placed before the Authority and considered sympathetically within a period of six months from the date of receipt of the same. Statement accepted.

5. In the light of the above, we dispose of this petition with liberty

to the petitioner to make a fresh representation to the PCNTDA for allotment of the plot under 12.5% scheme, with further direction to PCNTDA to decide the same sympathetically within a period of six months from the date of receipt of the same.

6. In view of disposal of the writ petition, Civil Application No.2078 of 2017 does not survive, and the same is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)