

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

WRIT PETITION NO. 6373 OF 2016

Smt. Ujjwala Rajiv Dalvi

... Petitioner

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Vineet Naik, Senior Advocate i/b Sandeep Bhagwat for the Petitioner.
Mr. S.H. Kankal, AGP for the Respondent Nos. 1 to 7.

CORAM : R.D. DHANUKA, J.

DATE : 18th JUNE, 2018

P.C.:

1. Mr. Naik, learned Senior Counsel for the Petitioner invited my attention to some of the directions issued by the Divisional Commissioner and also the Collector, Raigad more particularly on pages 52 to 54 of the petition. He submits that pursuant to the said directions issued by the Addl. Collector, Konkan Division, report is already submitted. Based on the said report, matter may be remanded back to the learned Deputy Commissioner for passing a fresh order in accordance with the law and on merits.

2. Learned AGP has no objection, if the matter is remanded to the Divisional Commissioner for deciding the matter afresh on merits and in accordance with law. Statement is accepted.

3. Impugned order dated 30.03.2016 passed by the Respondent No.2 is

quashed and set aside. Misc. Application No. 7 of 2015 is restored to file before the Divisional Commissioner for deciding the matter in accordance with law and on merits and after considering the report submitted by the Divisional Commissioner and without being influenced by the observation made and conclusion made in the impugned order. The Divisional Commissioner shall decide the matter expeditiously and not later than within four months from the date of next meeting.

4 Petitioner is directed to appear before the learned Divisional Commissioner on 28.06.2018 at 3.00 p.m.

5 Ad-interim protection granted by this Court on 11.07.2016 to continue till the disposal of the application before the Divisional Commissioner and for the period of two weeks from the date of the communication of that order, if the same is adversely against the Petitioner.

6 Writ Petition is disposed off with aforesaid terms.

7 Parties as well as Authorities to act on an authenticated copy of this Order.

(R.D. DHANUKA, J.)