

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

WRIT PETITION NO.7685 OF 2016

Hemant Prabhakar Joshi & Anr. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

.....

Mr. K.S. Dewal i/b, Mr. R.S. Tanna for the Petitioners.

Mrs. M.P. Thakur, AGP for the Respondent -State.

Ms Shyamala Gadre i/b. M/s. Little and Co. for the Respondent Nos.2 and 3.

Mr. Rakesh Agrawal for the Respondent No.4.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 23rd JANUARY, 2018.

P.C.:-

Mr. Dewal, the learned counsel for the Petitioner at the outset makes a statement that at this stage the Petitioners are restricting the Petition only to the relief claimed in prayer clause (b-2).

The statement is accepted. Prayer (b-2) reads thus :

“b-2) In the alternative, this Hon'ble Court be pleased to issue a Writ of Mandamus and/or any other writ/order/direction in the nature of Mandamus, thereby directing the Respondent authorities to treat the previous communications of the Petitioners, i.e. communications dated 16th October, 2012 [Exhibit “B”], 1st April 2013 [Exhibit “E”], 19th August 2013 [Exhibit “I”], 12th October 2015 [Exhibit “K”], 2nd November 2015 [Exhibit “K”] and 5th January 2016 [Exhibit “M”], as their application for allotment of land under the PAP scheme, and the Respondent authorities may kindly be directed to consider

the same as per the then existing policy and Scheme dated 30th June 1993 and great allotment of scheme land in favor of the Petitioners, accordingly, and the same be done expeditiously and within a time-bound period;”

2. The learned counsel appearing for the M.I.D.C. has no objection if the Respondent No.3 is directed to decide the said representations of the Petitioners.

3. In the above circumstances, we deem it convenient to dispose of the Writ Petition by directing the Respondent No.3 to decide the Petitioner's applications /representations dated 16th October, 2012, 1st April 2013, 19th August 2013, 12th October 2015, 2nd November 2015 and 5th January 2016, copies of which are at Exhibits- B, E, I, K(colly) and M respectively, as expeditiously as possible and preferably within a period of eight weeks from the date of receipt of copy of this order. Ordered accordingly.

4. It is made clear that we have not gone into the merits of the Petitioners' claim and the Respondent No.3 shall decide the same independently on its own merits and in accordance with law after giving opportunity of hearing to the Petitioners and all concerned. All points and contentions of the respective parties are expressly kept open.

5. In order to enable the Respondent No.3 to comply with this order, the Petitioners shall remain present before the Respondent No.3 on **12.2.2018** alongwith above impugned representations and copy of this order

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)