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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10075 OF 2018

Mr. Nitin Babanrao Nakhate & ors.

.. Petitioners

Vs.

State of Maharashtra and ors.

.. Respondents

Mr. Uday P. Warunjikar for petitioners.

Mr. P. P. Kakade, AGP for respondent no.1 – State.

Mr. Rohit Sakhadeo for respondent no.2.

CORAM: NARESH H. PATIL, ACTING CJ &
R. G. KETKAR, J.

SEPTEMBER 06, 2018.

P.C.

1. The learned counsel for the petitioners submits that they may be evicted by respondent nos.2 and 3 from the subject structures for the purposes of implementation of the Ring Road Railway Project. The learned counsel further submits that some sub-contractor had approached the petitioner intimating them to vacate the subject structures. Therefore,

the petitioners are seeking directions to the respondents to follow due process of law if the respondents intends to demolish / acquire subject land and the structures constructed and occupied by the petitioners.

2. The learned counsel appearing for the respondent no.2 submits that under the project, part of the area falls under the jurisdiction of respondent no.2 and part under the jurisdiction of respondent no.3 and, therefore, petitioners need to file a comprehensive individual representation indicating that they are possessing respective structure / area so that individual cases can be scrutinized. The said representation shall be submitted to the respondent no.2 and to the Chief Executive Officer of respondent no. 3 separately within two weeks from today. On receipt of the said individual representations, we direct the respondent no.2 and the Chief Executive Officer of respondent no.3 to look into the grievances of the petitioners and take necessary steps in accordance with law within six weeks thereafter. In case the authorities find that it is necessary to hear the parties in person by deputing officer concerned, they are at liberty to do so. The Commissioner of the Corporation is entitled to delegate this exercise to an officer working under him.

3. With the aforesaid observations and directions, petition is disposed of.

4. All concerned to act on an authenticated copy of this order.

R. G. KETKAR, J.

ACTING CHIEF JUSTICE

Pravin
Dasharath
Pandit

Digitally signed
by Pravin
Dasharath Pandit
Date: 2018.09.10
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