

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

WRIT PETITION NO.224 OF 2018

Vilas Keshav Patil

... Petitioner

V/s.

District Collector of Kolhapur & Ors.

... Respondents

Mr.Manoj A. Patil for the petitioner

Mrs.Madhubala Kajale, 'B' Panel Counsel for the respondent

Mr.Sanjay Khumansing Valvi, Naib Tahsildar, Office of Sub-Divisional Officer, Radhanagari-Kagal, Kolhapur present in court

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : APRIL 10, 2018

PC. :

1 Heard the learned counsel for the parties.

2 It is the grievance of the Petitioner that Respondent no.2 without giving any personal hearing decided his Application dated 14.03.2017. These facts are denied by the Respondent State by filing their Affidavit-in-Reply dated 9.2.2018. It is specifically stated in paragraph 4 of the said Affidavit-in-Reply that hearing was given to the Petitioner no.1 on 30.3.2017. Paragraph 4 of the said Affidavit-in-Reply reads thus:

“4. I say that the notification under Section 11 of New Land Acquisition Act, 2013 was published in Maharashtra Govt.Gazzette on 16th to 22nd February, 2017 for the Resettlement of the Project Affected Persons of Naganwadi Project. The acquisition of total area of 6 H. 27 R of village Hasur Khurd Tal. Kagal Dist. Kolhapur has been initiated. Out of that, the Petitioners land Gat no. 88 are 0.07 R. & Gat no. 483 area 0.19 R. is in the benefited zone of Naganwadi Project. Therefore, the Petitioner raised objection on notification dt. 14/03/2017. I say on the objection of the Petitioner, the personal hearing was given to the Petitioner on 30/03/2017. On that day, the Petitioner was present for hearing and submitted his written statement.”

3 After arguing for some time, the learned A.G.P. after taking instructions from the officer present in court, Mr.Sanjay Khumansing Valvi, Naib Tahsildar, Office of Sub-Divisional Officer, Radhanagari-Kagal, Kolhapur, states that they have no objection for giving personal re-hearing to the Petitioner again on his Application dated 14.03.2017. In view of the statement made by the learned A.G.P, following order is passed:

- a) Petitioner to remain present before the Respondent no.2 on 04.05.2018 at 12 noon for re-hearing on his Application dated 14.03.2017.
- b) Respondent no.2 is directed to decide Petitioner's Application dated 14.03.2017 after giving personal re-hearing to the Petitioner on his own merits.
- c) Writ Petition stands disposed of accordingly.

d) No order as to costs.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)