

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11795 OF 2017

Shri Appasahjeb Annasaheb Ligade

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mr. R.C. Barge for the petitioner.

Mr. V.S. Gokhale, "B" Panel Advocate, AGP for respondent nos. 1 and 2.

**CORAM : SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : AUGUST 20, 2018

P.C.:

Parties through their counsel.

2. The grievance of the petitioner is that though the competent authority of Kolhapur Municipal Corporation has forwarded the proposal to the State Government for taking appropriate decision for releasing the petitioner's land as described in the said proposal Exh. "C" dated 18/11/2008 but till date no decision has been taken by the State Government on the said proposal. It is also the case of the petitioner that the Kolhapur Municipal Corporation vide letter dated 17/3/2009 has intimated the petitioner that the

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lands described in the said letter are not within the municipal limits. In the circumstances, petitioner has filed this petition seeking the following reliefs :

“(A) That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950 directing the State Government to hand over the vacant land possession of the property to the petitioner.

(B) That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950 directing to take appropriate steps as per the Decision taken dated 26th July, 2008 and decision taken on 8th November, 2008.

(C) That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950 to change the revenue records as per the Decision taken dated 26th July, 2008 and decision taken on 8th November, 2008 in respect of the Suit property.”

3. Having considered the submissions made by the learned counsel for the petitioner and the learned AGP, we dispose of this petition by granting liberty to the petitioner to submit a detailed representation with supporting documents before respondent no. 2, Collector, Kolhapur within four weeks from today. On receipt of the same, the Collector, Kolhapur shall take appropriate decision on it in accordance with law after giving due opportunity of hearing

to the petitioner.

4. The decision as aforesaid be taken by the Collector within three months from the date of receipt of the said representation.

5. With the aforesaid directions, petition is disposed of.

(SARANG V. KOTWAL, J.)

(SHANTANU KEMKAR, J.)