

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

23. WRIT PETITION NO. 8876 OF 2016
WITH WP/10966/2016 WITH WP/11056/2016

Gayabai Pandharinath Jagtap and others ...Petitioners

Versus

The State of Maharashtra and others ...Respondents

Mr. S.V. Nigam, Advocate for petitioners

Mr. V.S. Badakh, Asstt. Govt. Pleader for respondents No.1 & 2

Mr. S.V. Adwant, Advocate for respondents No.3 & 4

**CORAM : PRASANNA B. VARALE,
AND
R. G. AVACHAT, JJ.**

DATE : 13th August, 2019

ORAL ORDER:

1. Heard learned Counsel Mr. Nigam for the petitioners in all these three writ petitions, namely, Writ Petitions No. 8876 of 2016, 11056 of 2016 and 10966 of 2016. Though initially it was submitted by Mr. Nigam, learned Counsel for the petitioners that the petitioners, who are occupants over the *Gaiyan* land for years together and certainly more than five years, could have been granted the benefits of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 in the wake of order dated 18th

December, 2015 passed by the District Collector, Jalna. Learned Counsel Mr. Nigam orally prayed for amendment to the petition so as to invite our attention to the events occurred post filing the petition. Mr. Nigam, learned Counsel submitted that all these petitioners availing remedy under the Maharashtra Project Affected Persons Rehabilitation Act, 1999, approached the District Collector, Jalna, by presenting their representation-applications. It is submitted in these representation-applications that these petitioners are carrying out agricultural activities in the said land and this land is only source of their livelihood. It is also submitted before the Collector that there is standing crop in the lands and these lands are proposed for acquisition for the project, namely, Jawaharlal Neharu Port Trust. The representation-applications are submitted to the office of the Collector on 1st March, 2017. The learned Counsel, thus, orally prays for amendment to the petitions by placing on record the copies of these representations submitted by the petitioners.

2. The oral prayer, as such, placing documents on record would not cause prejudice to the other-side. The oral prayer for the amendment is allowed. The petitioners are permitted to place on record copies of these representations in the respective writ petitions during the course of the day.

3. Now, as this Court had taken note of the fact that

representation-applications are already submitted to the office of the Collector, Jalna, on 1st March, 2017 inviting attention of the Collector to the facts, namely, these petitioners-applicants are occupying *Gairan* land for years together, there is standing crop in the field and the land is proposed for acquisition for dry port, in our opinion, the interest of justice can be served by directing respondent No.2 - the Collector, Jalna, to decide these applications as expeditiously as possible and not later than ten weeks from today, needless to state, on the merits of the applications and if the Collector is of the opinion to grant opportunity of hearing to the petitioners, he may afford such an opportunity of hearing to the petitioners.

4. Needless to state that if the petitioners are aggrieved by the order passed by the Collector, Jalna, they are at liberty to avail appropriate remedy including approaching this Court in challenge to the order passed by the Collector.

5. With these directions, the petitions are disposed of.

(R. G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE