

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

WRIT PETITION NO.1895 OF 2019

1. Vasant s/o Maruti Pawar.
Age : 58 years, Occu. Agri,
 2. Laxman s/o Sattappa Bendage
Age : 55 years, Occu. Agri,
 3. Ismail Muktar Kadri
Age : 60 years, Occu. Agri,
- All R/o Sastur, Tq.Lohara (Omerga),
Dist. Osmanabad.

... Petitioners

VERSUS

1. The State of Maharashtra
Through : Earthquake Rehabilitation
Department, Mantralaya, Mumbai-32.
2. The Collector, Osmanabad,
Dist. Osmanabad.
3. The Deputy Collector (Rehabilitation),
Osmanabad, Dist. Osmanabad.
4. The Sub-Divisional Officer,
Omerga, Dist. Osmanabad.
5. The Tahsildar, Lohara,
Dist. Osmanabad.

... Respondents

....

Mr. Vivekanand V. Ingale, Advocate for Petitioner;
Ms. S.S. Dande, A.G.P. for all Respondents.

....

**CORAM : PRASANNA B. VARALE
AND
S.M. GAVHANE, JJ**

DATED : 04th MARCH, 2019

PER COURT:-

1. As the petitioners before this Court being aggrieved by the communication of the authorities in response to the representations seeking allotment of the open plot, the petitioners have before this Court and considering this limited grievance, the petition is taken up for disposal at the admission stage.
2. Notice to respondents, returnable forthwith. Learned AGP waives service of notice for all respondents.
3. The documents placed on record show that the petitioners are the earthquake affected persons of village Sastur, Tahsil Lohara, Dist. Osmanabad. The applications were submitted by these persons to the office of the District Collector. Copy of the applications are placed on record at page nos.12, 14 and 16. It seems that on receiving the applications, the Deputy Collector (Rehabilitation), Osmanabad forwarded the communication to Tahsildar, Lohara seeking the fact finding report. There is also reminder placed on record at page no.18 and this is received by the office of Tahsildar on 23.01.2015. There are certain copies of exchange of communication between the Tahsildar and the Circle Officer, Gram Sevak and Sarpanch, the Circle Officer, Makani, Gram Sevak, Sastur and Tahsildar Lohara, Sarpanch, Sastur. The Circle Officer by way of communication dated 16.10.2014, informed the Tahsildar that there is no objection certificate issued in favour of the petitioner Vasant Pawar and it would be appropriate to provide an open plot to petitioner Vasant Pawar. The copy of *Panchanama* drawn in the year 2017 is also placed on record in regards to Petitioner No.2. The copy of the representation dated 29.09.2016 placed on record to show that

Petitioner Laxman Bendage submitted various applications and these applications are in the form of reminder to the authority.

4. Considering the fact that these Petitioners are the affected persons and the unfortunate disastrous earthquake taken place in the year 1993 and the petitioners are requesting the authority to allotment of the plot under the Government policy, and the applications are pending before the authority for a period more than (5) five years, we direct the authorities, more particularly the District Collector, Osmanabad to decide the representation of Petitioner Vasant Maruti Pawar submitted to him on 06.03.2014, the representation of Petitioner Laxman Sattappa Bendage submitted to him on 29.09.2016 and the representation submitted by Petitioner Ismail Muktar Kadri submitted to him on 07.07.2014, as early as possible, and not later than from (12) twelve weeks from the date of order of this Court. Needless to state on merit of the proposal and the assessment of merit is left to the authority.

5. With these observations and directions, petition is disposed of.

(S.M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE