

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

WRIT PETITION NO.8381 OF 2019

Smt Ekta Bhagwan Rajai ... Petitioner
V/s.
Managing-cum-Sub-Divisional Officer,
Ulhasnagar Sub-Division and anr. ... Respondents

**WITH
WRIT PETITION NO.11032 OF 2019**

Shri Bhagwan H. Rajai ... Petitioner
V/s.
Managing-cum-Sub-Divisional Officer,
Ulhasnagar Sub-Division and anr. ... Respondents

**WITH
WRIT PETITION NO.11056 OF 2019**

Vinod Kauromal Karira ... Petitioner
V/s.
Managing-cum-Sub-Divisional Officer,
Ulhasnagar Sub-Division and anr. ... Respondents

Mr.S.P.Kanuga i/by Ms.Sapna Nath for the Petitioners.
Mr.C.D.Mali, AGP for Respondent Nos.1 and 2 in WP Nos.
8381 of 2019 and 11032 of 2019.
Mr.P.V.Nelson Rajan, AGP for Respondent Nos.1 and 2 in
WP No.11056 of 2019.

**CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 16, 2019.**

P.C.:-

1. This order will dispose of all the three writ petitions.

2. Heard Mr.S.P.Kanuga, learned counsel assisted by Ms.Sapna Nath learned counsel for the petitioners; and Mr.C.D.Mali, learned AGP, Maharashtra for Respondent Nos.1 and 2 in Writ Petition Nos.8381 of 2019 and 11032 of 2019 and Mr.P.V.Nelson Rajan, learned AGP for Respondent Nos.1 and 2 in Writ Petition No.11056 of 2019.

3. Petitioners are aggrieved by rejection of their applications dated 11th January, 2019 by the Managing Officer-cum-Sub-Divisional Officer, Ulhasnagar on 11th January, 2019 itself.

4. By the said applications, petitioners had sought for their rehabilitation under the Compensation and Rehabilitation Act, 1954. On the ground that the said Act was repealed by the Displaced Persons and other Laws Repeal Act, 2005, the said applications were rejected. In the rejection orders reference was made to a letter dated 17th September, 2014 of the Government of India in the Revenue and Forest Departments, wherein it was

clarified that Section 6 of the General Clauses Act, 1897 would be applicable to the Displaced Persons and other Laws Repeal Act, 2005.

5. Learned counsel for the petitioners submits that had the petitioners been given an opportunity, petitioners would have satisfied the authority that they had been persistently pursuing the matter since a long time. Applications dated 11th January, 2019 were only the last of the applications, which were in continuation of the earlier applications. He, therefore, submits that impugned order dated 11th January, 2019 is in violation of the principles of natural justice and therefore, should be set aside by directing the Managing Officer to reconsider the matter after hearing the petitioners. In this connection, learned counsel for the petitioners has placed reliance on a Division Bench decision of this Court dated 21st August, 2019 passed in **Writ Petition No.2203 of 2019 (Jaiprakash Hiranand Kalyani and ors. Vs. State of Maharashtra and anr.)** and submits that in that case also matter was remanded to the

Managing Officer for reconsideration after hearing the petitioners.

6. Considering the above, impugned order dated 11th January, 2019 is hereby set aside. Respondent No. 1 i.e. Managing Officer-cum-Sub-divisional Officer, Ulhasnagar is directed to re-consider the prayer of the petitioners after giving them an opportunity of hearing and thereafter, to take a decision one way or the other within a period of eight weeks from the date of receipt of an authenticated copy of this order.

7. Writ Petitions are disposed of.

(UJJAL BHUYAN, J.)

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