

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

WRIT PETITION NO.5409 OF 2016

Laxman Shivram Bhosale & Others ... Petitioners.

V/s.

The State of Maharashtra & Others ... Respondents.

Mr.Gaurav Potnis i/b Ms.Pallavi Potnis for the Petitioners.

Mr.R.S.Pawar AGP for the Respondent Nos.1 to 5 (State).

Mr.Prashant Darandare with Mr.S.R.Karpe for the Respondent
Nos.6 to 8.

Mr.Bharat Waghmare, Deputy Collector (Rehabilitation), Pune
present.

**CORAM : R. M. BORDE AND
N. J. JAMADAR, JJ.**

DATE : 15TH MARCH 2019.

P.C.:

1] The Petitioner is objecting to the order issued by the Respondent No.3 - District Rehabilitation Officer, Pune on 17th December, 2015 directing recording of the names of Respondent Nos.6 to 8 in concerned register in addition to the entry of the Petitioners which has been previously recorded. The Petitioners are also objecting to the order dated 20th February, 2016 issued by the Deputy Collector whereby the names of Respondent Nos.6 to 8 were directed to be recorded in the mutation register, apart from the entry in the name of the

Petitioners which has already been recorded.

2] The Petitioners contends that petitioner no.2 alone is entitle to retain agricultural land which has been allotted to him by the Rehabilitation Officer and Respondent Nos.6 to 8 did not contribute in payment of occupancy price of the said property which has been allotted to petitioners several years back. The belated action taken by the Deputy Collector, Rehabilitation at the instance of Respondent Nos.6 to 8 is illegal and deserves to be quashed. It has not been disputed before us that both the orders have been issued without observing the principles of natural justice. Had the Petitioners been extended an opportunity of hearing, they could have pointed out their objections which would have facilitated the concerned Authority to take appropriate decision in the matter. It has not been disputed before us that the orders have been issued behind the back of the Petitioners and they have not been intimated as regards the proceedings and were not heard before issuing the impugned orders. In these circumstances, the orders impugned in this petition, issued on 17th December, 2015 and 20th February, 2016 passed by the Deputy Collector, Rehabilitation, Pune deserves to be quashed and set aside and those are, accordingly, quashed and set aside.

3] It would be open for the concerned authorities, to reconsider the application after extending an opportunity of hearing to the Petitioners and pass appropriate order in accordance with the provisions of law. Necessary consequences

of quashment of orders impugned in this petition shall follow.

4] In view of above directions, the Writ Petition is disposed of. In view of disposal of the writ petition, civil application is also disposed of.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)