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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10326 OF 2017

Shri Shankar Shripati Jadhav, since
deceased through his heirs and legal
representatives:

1 (a) Mr. Dinkar Shankar Jadhav & Ors. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

Mr. Pradeep Gole for Petitioners.

Mr. K. S. Thorat, AGP for Respondent Nos.1 to 4.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

NOVEMBER 20, 2019.

P.C.

1. Heard learned Counsel for the parties.
2. As a project affected person and entitled to land under the Maharashtra Resettlement of Project Displaced Persons Act, 1986, the Petitioner was allotted 1 Hectare 19 Ares land and value thereof was deducted by keeping back 65% of the compensation assessed for the acquired land.

2. Grievance in the Writ Petition is to an order dated 03.04.2017 passed without any prior notice to the Petitioners, thereby violating the valuable right of being heard, reducing the entitlement by 59 Ares and as a result holding that the Petitioners are entitled to only 60 Ares of land.

3. Suffice it to state, where an order has a civil consequences, the same cannot be issued without issuing a notice and calling upon the noticee to respond. On this ground alone the Writ Petition succeeds.

4. The impugned order dated 03.04.2017 is quashed. However, the Respondents are permitted to put the Petitioners to notice. The notice shall contain the facts on the basis whereof Respondents proposed to reduce the entitlement of the Petitioners. The Petitioners would be entitled to file a reply to the notice. Reasoned decision would be taken. If the decision is against the Petitioners, they would be entitled to remedy as per law.

Pravin
D.
Pandit

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by Pravin D.
Pandit
Date: 2019.11.21
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SMT. BHARATI DANGRE, J.

CHIEF JUSTICE