

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

WRIT PETITION (STAMP) NO. 18849 OF 2019

Ranjit Anand Puranik	Petitioner
V/S	
The State Of Maharashtra & Ors.	Respondents

**WITH
WRIT PETITION NO. 7604 OF 2018**

Ranjit Anand Puranik	... Petitioner
V/s	
The State of Maharashtra & Ors.	... Respondent

Mr. A. V. Anturkar, Sr. Advocate a/w Mr. Bhushan Walimbe for the Petitioners.

Mr. Y. D. Patil, AGP for the Respondent Nos.1 to 4-State

Mr. A. S. Khandeparkar, Sr. Advocate a/w Ms Sapna Rachure for the Respondent Nos. 7 & 8.

Mr. G. S. Godbole a/w Mr. S. D. Chavan for the Respondent No. 5.

**CORAM : A. A. SAYED &
PRAKASH D. NAIK, JJ.
DATED : 17th September, 2019.**

P.C.:

The substantive prayers in Writ Petition (Stamp) No. 18849 of 2019 read as under:

“a. This Hon’ble Court may please to issue appropriate Writ, Order and/or Direction in the nature of mandamus thereby quashing and setting aside the order dated 02.07.2019 passed by the Respondent No. 5 in hearing conducted under section 21 of the Provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of acquisition of Survey No. 59/8 situated at Village Asudgaon, Tal:

Panvel, District Raigad.

b. In the alternative, this Hon'ble High Court may be pleased to issue appropriate Writ, Order and/or Direction in the nature of mandamus thereby directing the Respondents to give proper opportunity to file claim and afford hearing to the Petitioner under section 21 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in respect of acquisition of Survey No. 59/8 situated at Village Asudgaon, Tal: Panvel, District Raigad."

2. On 24th May, 2017 this Court [Coram: Sandeep Shinde & Sarang V. Kotwal, JJ, (Vacation Court)] had passed the following order in WPL/14933/2019 which was earlier filed by the Petitioner.

"1. Petitioner claims himself a "person interested" within the meaning of Section 3(x) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the Act" for short).

2. Respondent no.5 has issued notice under Section 21(4) read with Section (5) of the Act in the subject acquisition proceedings but it has not been issued to the petitioner.

3. Petitioner thus seeks relief, to direct respondent no.5 to hear him in the proceedings, being "Person interested".

4. Thus, the petitioner may file his claim before the Respondent no.5 in support of his claim, being "Person interested" in the acquisition proceedings pending before, the respondent no.5.

5. In view of the facts of the case, respondent no.5 shall hear the petitioner in proceedings pursuant to

notice under Section 21 of the said Act; and pass appropriate order in accordance with law.

6. All contention of the parties are kept open.

7. List the petition for admission as per the CMIS date."

In view of the aforesaid order, the WPL/14933/2019 was really speaking worked out. The said WPL/14933/2019 was therefore disposed of by this Court by an order dated 24th May, 2019.

3. It is the case of the Petitioners that pursuant to the aforesaid order dated 24th May, 2019 in WPL/14933/2019, the Petitioner, vide letter dated 27th May, 2019, requested the Respondent No. 5-SLAO to issue notice of hearing as contemplated under section 21 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act of 2013). By letter dated 31st May, 2019, the Respondent No. 5-SLAO directed the Petitioner to submit his claim on or before 7th June, 2019. According to the Petitioner, since the Petitioner was scheduled to go out of India on 07th June, 2019, which trip was planned much in advance and the air tickets and the bookings were already made, the Petitioners through his Advocate's letter dated 07th June, 2019 informed the Respondent No. 5-SLAO accordingly, and requested for a suitable date. The

Respondent No. 5-SLAO adjourned the matter to 25th June, 2019.

4. According to the Petitioner, on 25th June, 2019, the Petitioner alongwith his Advocate was to appear before the Respondent No. 5-SLAO. However, due to sudden deterioration of the health of the Advocate of the Petitioner Mr. Eknath A. Chavan, the Advocate was taken to the hospital and could not attend the office of the Respondent No. 5-SLAO. However, the Petitioner appeared personally and submitted a letter to the Respondent No. 5-SLAO on 25th June, 2019. In the said letter it was pointed out that firstly no notice under section 21 was published on the website and secondly a notice under section 21 must give not less than 30 days time from the date of the publication of the notice and therefore the earlier notices to appear before the Respondent No. 5-SLAO on 07th June, 2019 and 25th June, 2019 are not as per law. It was further pointed out that no measurement of the land as contemplated under section 20 were carried out. It was stated in the said letter that despite the above, if the Respondent No. 5-SLAO proposed to conduct hearing, date be granted so that the claim of the Petitioner can be filed. According to the Petitioner, on 28th June, 2019 the Respondent No. 5-SLAO wrote to the Petitioner providing certain information to the Petitioner pursuant to the

letter dated 25th June, 2019 of the Petitioner.

5. On 29th June, 2019, the Petitioner addressed a letter to the Respondent No. 5-SLAO in the following terms:

“Dear Sir,

With reference to the above I am writing this letter to inform you that on 25.06.2019, you have informed me to submit my claim on or before 01.07.2019 with you. For preparing proper claim, we have also submitted a letter and requested you to provide certified copies of certain documents on 26.06.2019.

I must also inform you that Advocate Shri Eknath Chavan, who has been representing me before the Civil Court so also before you has suddenly died on 27.06.2019. Due to sudden and unfortunate death of our advocate, we would not be in a position to submit our claim on or before 01.07.2019. Without prejudice to any rights and claims, I would therefore be requesting for 6 weeks time to submit my reply. I am sure you would understand the gravity and complexity of the problem, I am facing due to unfortunate and sudden death of our advocate.

You are therefore requested to grant us 6 weeks time to submit our claim.

Thanking you in anticipation”

6. It is thus seen that the Advocate Mr. Eknath Chavan who was representing the Petitioner had fallen ill and ultimately passed away on 27th June, 2019. We find that request of the Petitioner for adjournment on account of the death of his Advocate on 27th June,

2019 vide his letter dated 29th June, 2019 was a reasonable request and the said request for adjournment ought not to have been denied and the Petitioner ought to have been granted one more opportunity to appear before the Respondent No. 5- SLAO.

7. The impugned order, however, came to be passed on 2nd July, 2019. In the impugned order dated 2nd July, 2019 it has been stated that the Petitioner has not submitted his claim despite the order dated 24th May, 2019. In the facts and circumstance and in the interest of justice, we pass following order:

ORDER

- a) The impugned order dated 02.07.2019 is set aside;
- b) The Petitioner is permitted to file his claim before the Respondent No. 5-SLAO by 22nd October, 2019;
- c) The Petitioner shall be heard and appropriate order shall be passed by the Respondent No. 5-SLAO afresh without being influenced by the impugned order;
- d) The Petitioner shall appear before the Respondent No.5-SLAO on 25th October, 2019 at 11 am;
- e) We record the statement of learned Counsel of the Petitioner that the contention of requirement of 30

days prior notice under section 21 of the Act of 2013

shall now not be pressed by the Petitioner;

f) It is made clear that the Petitioner shall not be entitled to seek any adjournment before the Respondent No.

5-SLAO;

g) The final order shall be communicated to the Petitioner;

8. Writ Petition (Stamp) No. 18849 of 2019 is disposed of in the aforesaid terms.

9. List the Writ Petition No. 7604 of 2018 after Diwali Vacation.

(PRAKASH D. NAIK,J.)

(A.A.SAYED, J.)