

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

WRIT PETITION (ST) NO. 25595 OF 2019

Shri Manaku Tukaram Mali	
Since deceased through LRs.	
Shri Shaymrao Namdev Lohomkar	... Petitioner
V/s	
The State of Maharashtra & Ors.	... Respondents

WRIT PETITION (ST) NO. 25597 OF 2019

Smt. Geetabai Kalu Kamble	
Since deceased through Lrs.	
Smt. Baby Gani Shaikh	... Petitioner
V/s	
The State of Maharashtra & Ors.	... Respondents

WRIT PETITION (ST) NO. 25363 OF 2019

Shri Rama Piraji Hinge	
Since deceased through Lrs.	
Shri Dattatraya Mahadeo Hinge	... Petitioner
V/s	
The State of Maharashtra & Ors.	... Respondents

WRIT PETITION (ST) NO. 25364 OF 2019

Shri Krishna Kondi Hinge	
Since deceased through Lrs.	
Shri Vijay Krishna Hinge	... Petitioner
V/s	
The State of Maharashtra & Ors.	... Respondents

WRIT PETITION (ST) NO. 25366 OF 2019

Shri Narayan Balwant Nigade	
Since deceased through Lrs.	
Shri Bhanudas Narayan Nigade	... Petitioner
V/s	
The State of Maharashtra & Ors.	... Respondents

WRIT PETITION (ST) NO. 25368 OF 2019

Shri Kondiba Bala Nagade & Shinde
since deceased through LRs

Shri Mahadeo Kondiba Nagade-Shinde ... Petitioner
V/s

The State of Maharashtra & Ors. ... Respondents

WITH**WRIT PETITION (STAMP) NO.25367 OF 2019**

Smt. Sonubai Krishan Bhoite
since deceased through LRs

Shri Laxman Krishna Bhoite ... Petitioner
V/s

The State of Maharashtra & Ors. ... Respondents

Mr. Y. B. Lengare for the Petitioners in all the Writ Petitions.

Smt. G. U. Shinde, AGP for the Respondent Nos. 1 to 5-State in
WPST/25595/2019 & WPST/25363/2019.

Mr. N. C. Walimbe, AGP for the Respondent Nos. 1 to 5-State in
WPST/25597/2019 & WPST/25364/2019.

P. N. Diwan, AGP for the Respondent Nos. 1 to 5-State in
WPST/25366/2019.

Y. D. Patil, AGP for the Respondent Nos. 1 to 5-State in
WPST/25367/2019.

V. S. Gokhale, 'B' Panel Advocate for the Respondent Nos. 1 to 5-
State in WPST/25368/2019.

Shri Bharat Waghmare, Dy Rehabilitation Officer, Pune. Present in
Court.

CORAM : **A. A. SAYED &**
 PRAKASH D. NAIK, JJ.
DATED : **18th September, 2019**

P.C.:

The Petitioners are challenging the communications dated
4th September, 2019 of the Respondent No. 2 - Divisional

Commissioner addressed to the Respondent No. 3-Collector, wherein the Respondent No. 5-Deputy Collector (Resettlement) has been directed to cancel the allotment of the subject lands to the Petitioners within two days.

2. It is not in dispute that the subject lands have been allotted to the Petitioners by the Respondent No. 5-Deputy Collector (Resettlement) by diverse orders to the Petitioners and the Petitioners have not been heard prior to the directions given by the Respondent No. 2 – Divisional Commissioner.

3. The Respondent No. 5 – Deputy Collector (Resettlement) Mr. Bharat Waghmare is present in the Court. On his instructions, learned AGP makes a statement that the allotment in favour of the Petitioners, so far has not been cancelled and that in the event, the allotment is required to be cancelled, the Respondent No. 5-Deputy Collector (Resettlement) shall hear the Petitioners. We accept the statement of the learned AGP.

4. In the facts and circumstances of the case and since the impugned communication dated 04th September, 2019 is issued without hearing the Petitioners, we direct that the Respondent No. 5-Deputy Collector (Resettlement) shall taken decision independently without being influenced by the directions contained in the impugned communication dated 04th September, 2019 of the Respondent No. 2 - Divisional Commissioner to cancel the allotment of the Petitioners.

5. With the aforesaid directions the Petitions are disposed of.

(PRAKASH D. NAIK,J.)

(A.A.SAYED, J.)