

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
57 WRIT PETITION NO.13671 OF 2019**

THE KRUSHNA VALLEY DEVELOPMENT CORPORATION THROUGH
THE EXECUTIVE ENGINEER ..PETITIONER

VERSUS

BALIRAM MARUTI ANUSE AND OTHERS ..RESPONDENTS

...

Mr. Anil M. Gaikwad, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondents-State.
Mr. R. J. Nirmal, Advocate for Respondent Nos.1 to
13.

...

CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATED : 16th JANUARY, 2020.

PER COURT:-

1. The contention of the petitioner is that the application for rental compensation has been decided by respondent no.14 in favour of respondent nos.1 to 13 without issuing notice to the petitioner and without hearing the petitioner.

2. Mr. Gaikwad, learned counsel submits that the petitioner was never issued with the notice of an application filed by respondent nos.1 to 13 for grant of rental compensation. On that count, itself the order is bad in law.

3. Mr. Nirmal, learned counsel and learned A.G.P. submit that petitioner was served notice by whatsapp. The copy of the message is also placed on record. In light of that the petitioner cannot make any grievance that they were not served with the notice.

4. It is not disputed that the petitioner was not present in the proceeding before respondent no.14. The respondent no.14 has passed the order upon hearing respondent nos.1 to 13 who were original applicants. There is no proof that the notice is served upon the petitioner.

5. In light of the above, we are inclined to grant one more opportunity to the petitioner.

6. Considering the above we pass following order:

ORDER

(I) The impugned order is quashed and set aside.

(II) Parties are relegated before respondent no.14. Parties shall appear before respondent no.14 on 03.02.2020. As we have given date of appearance, it is not necessary for respondent no.14 to issue notices to parties. The petitioner may file its say. The respondent no.14 shall decide the proceeding within a period of three (03) months from the date of appearance of the parties on its own merits.

(III) In case, the respondents are entitled to the rental compensation, then petitioner and the State shall take

steps to make the payment of the same
to respondent nos.1 to 13.

7. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/January-2020