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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (St.) No. 171 OF 2020

Smt. Manju Vashdev Kanjan & Anr. ... Petitioners
Vs.
Sub-Divisional Officer, Ulhasnagar and Anr.... Respondents

Ms. Minal J. Chandnani, for the Petitioners.

Ms. M. S. Bane, AGP for Respondent Nos. 1 and 2.

CORAM : C. V. BHADANG, J.

DATE : FEBRUARY 4, 2020

PC :

1. Learned counsel for the Petitioners undertakes to remove the office objections, if any, within one week. Upon the office objections being removed, office to register the petition.

2. This petition can be disposed of on a short count, as petitions involving similar issue, have already been decided by this Court.

3. The challenge in this petition is to the order dated 16th November, 2019 passed by Respondent No. 1 thereby refusing to entertain the application dated 2nd November, 2019 filed by the Petitioner under the provisions of Displaced Persons (Compensation and rehabilitation) Act, 1964 on the ground that the application is filed on 2nd November, 2019 i.e. after the repeal of the said Act.

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4. The learned counsel for the Petitioner submitted that the said order has been passed without hearing the Petitioner. She has pointed out order dated 13th January, 2020 passed in Writ Petition No. 11783 of 2019 whereby this Court has remitted the matter back to the Respondent No. 1 for deciding similar application afresh, in accordance with law. She prays for a similar order in the present petition.

5. I have also heard the learned AGP for the Respondents.

6. Having regard to the fact that in Writ Petition No. 11783 of 2019 in similar circumstances this Court has remitted the matter back, and further having regard to the fact that, according to the Petitioner, the impugned order is passed without hearing the Petitioner, the petition is allowed. The impugned order is hereby set aside. The application dated 20th December, 2017 filed by the Petitioner is remitted back to the Respondent No. 1 for deciding he same afresh after hearing the Petitioner, on merits and in accordance with law, within a period of six weeks from the date of receipt hereof.

7. The writ petition is disposed of in the aforesaid terms, with no order as to costs.

Sd/-
C. V. BHADANG, J.