

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

912 WRIT PETITION NO.7968 OF 2021

MOHDAMMAD MOHIYODDIN MOHD. RASHIDODDIN
AND OTHERS, THR. GPA HOLDER MOHD. SAEED MOHD.
YUSUF AND ANOTHER
VERSUS
THE UNION OF INDIA, THR. THE SECRETARY AND
OTHERS

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Mr J. M. Murkute, Advocate for petitioners;
Mr R. B. Bhosale, Advocate for respondent Nos.1 to 3

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 8th December, 2021

PER COURT:

1. By this petition, the petitioners have put forth prayer clauses (B) and (C), as under :-

“B) The respondent No.2 Deputy Custodian of Evacuee Property cum Collector Aurangabad may kindly be directed to consider and decide the application No.774/2016 filed u/s. 7 of the Administration of Evacuee Property Act, 1950 within stipulated time.

C) The respondent No.2 the Collector Aurangabad may kindly be directed to consider and decide the representation filed by the petitioners dated 02/08/2017, 17/07/2017, 18/12/2017, 14/09/2020 and also take action as per the letter dated 08/09/2020 issued by

(2)

Deputy Commissioner (Revenue) from the Office of Divisional Commissioner, Aurangabad.”

2. There is no dispute that the District Collector, Aurangabad is the Deputy Custodian of evacuee properties falling under the Evacuee Property Department, Central Government, New Delhi.

3. The petitioners are praying for a decision on their Application No.774/2016, filed under Section 7 of the Administration of Evacuee Properties Act, 1950.

4. We find from the record that respondent No.2 had issued a notice for hearing on 21/09/2016 on the pending proceedings. He had also called for a report from respondent No.3. The Tahsildar, Aurangabad, has submitted a report to the Additional District Collector, dated 10/12/2019. The learned Advocate for the petitioners submits that thereafter, there has been no hearing.

5. In view of the above, this petition is disposed off. We direct respondent No.2 to issue notices to the parties involved in the Proceedings registered as 774/2016, and by granting a reasonable opportunity of participation and hearing in the said proceedings,

(3)

decide the same as expeditiously as possible and preferably, on or before 31/03/2022.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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