

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2870 OF 2021

Dhanaji Bacharam Patil.

...Petitioner.

Versus

The State of Maharashtra & Others.

..Respondents.

Ms. Preet Phanse i/b Mr. Tanaji Mhatugade for the Petitioner.

Mr. S. B. Kalel, AGP for the Respondent-State.

CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.

Date : **September 8, 2021.**

P. C. :

1. The petitioner – an agriculturist, who is resident of village Barave, taluka Bhudargad, district Kolhapur, has raised a limited grievance by this petition. The Petitioner submits that he is a project affected person and his land was acquired for the project Naganwadi Medium Irrigation Project situated at Bhudargad. A reference is made to certain steps taken by the authorities in the process of acquisition of petitioner's land for the project. It is submitted that the petitioner being a project affected person was entitled for allotment of an alternate land and accordingly the petitioner had deposited 65% amount. It is then stated that though the petitioner initially approached the Deputy Executive Engineer by filing an application and subsequently it was informed that the alternate lands sought for by the petitioner was not

available for the allotment. The petitioner then approached the respondent authorities and submitted an application to the Deputy Collector, Rehabilitation Branch, Kolhapur. Copy of the said application is placed on record at Exhibit-F to the petition. It seems that this is a proforma application and the petitioner submitted necessary information in the application against the clauses referred to in the application.

2. The perusal of documents shows that the office of Respondent No.2 received the said application of the petitioner on 7th April 2021. The perusal of documents further shows that it is stated in the proforma application that the applicant is required to place on record photocopies of the necessary documents so as to decide the application. It further reveals that the said application is submitted to the authority on 7th April 2021 and the present writ petition is filed in this Court within a period of one week thereafter, ie., on 15th April 2021.

3. Considering these facts, we are of the opinion that the writ petition itself can be disposed of at this stage with a direction to the authorities to decide the application submitted by petitioner on 7th April 2021 in a time bound manner. Accordingly, Respondent No.2 and/or the Deputy Collector, Rehabilitation Branch, Collector Kolhapur is directed to

decide the petitioner's application dated 7th April 2021 on its own merits, as expeditiously as possible and not later than six months from the date of receipt of a copy of this order.

4. We make it clear that this Court has not expressed any opinion on the merits of petitioner's application. The concerned authority may call upon the Petitioner to submit necessary documents, if so required, and may also afford an opportunity of hearing, if it deems appropriate.

5. With the aforesaid directions, writ petition is disposed of. All concerned to act upon the authenticated copy of this order issued by the Registry of this Court.

[N R. Borkar, J.]

[Prasanna B. Varale, J.]