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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3884 OF 2021

Jagannath Mugutrao Pawar] ... Petitioners

vs.

The State of Maharashtra & Ors.] ... Respondents

WRIT PETITION NO.3861 OF 2021

Tanhaji Bhauso Pawar] ... Petitioners

vs.

The State of Maharashtra & Ors.] ... Respondents

Mr.Susmit Phatale a/w Nilesh Navale for Petitioners.

Mr.S.B. Kale, AGP for State.

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

DATE : 14TH SEPTEMBER, 2021

P.C.

1] Heard learned counsel for parties.

2] The grievance in both these Petitions is identical and challenge is raised to a communication issued by the Deputy Collector (Rehabilitation) Satara – Respondent No.2.

3] Learned counsel for the Petitioners submits that the Petitioners are owners of landed property situated at Survey No.760 (in WP No.3884/21) and Survey Nos.857, 858 and 877 (in WP No.3861/21), Post-Kanheri, Taluka – Khandala, District- Satara. It is submitted that

to provide alternate lands to the project affected persons, the respondents decided to acquire lands from village Kanheri.

4] Learned counsel for the Petitioners invited our attention to certain documents placed on record. It is submitted that the lands of the Petitioners were deleted from acquisition proceedings. It is submitted that to the surprise of the Petitioners, they found that their lands have been allotted to the project affected persons. The Petitioners immediately approached the respondent No.2 by submitting their application and the fact of deletion of their lands from acquisition was brought to the notice of the Competent Authority and request was made to withdraw the order of allotting land to the project affected persons. Learned counsel submits that in a mechanical manner by communication dated 29.01.2020, respondent No.2 rejected the application of the Petitioners.

5] We have perused the communication dated 29.01.2020. It is completely unreasoned order. The grievance of the Petitioners is not at all dealt with in the said order.

6] Learned counsel for the Petitioners submits that the Petitioners are ready to submit a fresh representation to the authority concerned alongwith necessary copies of documents on which the Petitioners want to rely. Learned counsel further submits that the Authority be directed to consider the representation afresh.

7] The request made by the learned counsel for the Petitioners is reasonable. As the Petitioners have expressed willingness to file fresh representation, we deem it appropriate to pass the following order :

i] Both the Writ Petitions stand disposed of with liberty to the Petitioners to file fresh representation/application within two weeks from today.

ii] On receipt of such application/representation, the respondent/authority and more particularly Respondent no.2 shall decide the application/representation as expeditiously as possible, but in any case, not later than 8 weeks from the date of receipt of such application/representation.

iii] Respondent No.2 may consider to grant an opportunity of personal hearing to the Petitioners if such a request is made.

8] With these directions, both Writ Petitions stand disposed of.

[N.R.BORKAR, J]

[PRASANNA B. VARALE, J]