

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4065 OF 2018

Bhau Laxman Kene & Others. ..Petitioners.
Versus
The State of Maharashtra & Others. ..Respondents.

Ms. Preet Phanse i/b Mr. Tanaji Mhatugade for petitioners.
Mr. S. G. Kalel, AGP for the Respondent-State.

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

Date : **September 8, 2021.**

P. C. :

1. Heard learned counsel appearing for the respective parties.
2. The Petitioners are the residents of village Konoli, taluka Bhudargad, district Kolhapur. They are the land-owners and a representation was made to the respondent-authorities, more particularly, the District Collector, Rehabilitation Branch, Kolhapur. A copy of representation is placed on record at Exhibit-F (page No.39) to the petition. This representation was forwarded by the petitioners; only the sequence is changed in the representation; petitioner no.2 is representationist no.1 whereas petitioner no.1 is representationist no.2. It is submitted that Petitioners are the project affected persons and they are entitled for allotment of land. It is also stated in the representation

that award is passed in respect of Gat No. 821 and Gat No. 32. It is further stated that land to the extent of 0.46.0 Are of Shri. Gopal Naru Patil is acquired and this land be allotted to the petitioners. The Petitioners have placed on record copies of certain documents, namely, an order dated 31st December 2015 issued by the Additional Collector, Kolhapur and the award dated 18th January 1989.

3. As a limited controversy involved in the writ petition is not deciding of representation by the respondent authorities, we deem it appropriate to dispose the writ petition at this stage itself by directing respondent no.2 to decide the representation of the Petitioners pending with him. The representation is submitted to the authority way back in the year 2016, i.e., on 19th May 2016. As such, we deem it appropriate to direct respondent no.2 to decide the said representation as expeditiously as possible and not later than the period four months from the date an authenticated copy of this order is received by the said authority. Needless to state that we have not expressed any opinion on the merits of representation made by the petitioners and the authority concerned is at liberty to call for the necessary documents from the Petitioners to satisfy itself and/or the authority may also give an opportunity of hearing to the petitioners in case the authority feels it appropriate. We are also of the opinion that the directions which are

issued by us today would not cause any prejudice to the respondent State Authorities as we have not expressed any opinion on the merits of the representation of the Petitioners.

4. Writ petition is, thus, disposed of with the aforesaid directions.

5. All concerned shall act upon the authenticated copy of this order issued by the Registry of this Court. Learned AGP undertakes to communicate this order of the Court to the respondent authorities.

[N R. Borkar, J.]

[Prasanna B. Varale, J.]