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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12065 OF 2019

GEETA DINESH JAISINGHANI ..PETITIONER
VS.
STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

**WITH
WRIT PETITION NO. 2491 OF 2020
WITH
WRIT PETITION NO. 2492 OF 2020**

HARSHAL KRUSHNA BHOIR & ANR. ..PETITIONERS
VS.
SUB DIVISIONAL OFFICER & ANR. ..RESPONDENTS

**WITH
WRIT PETITION NO. 2493 OF 2020**

PARMAND TIKAMDAS NARANG ..PETITIONER
VS.
SUB DIVISIONAL OFFICER & ANR. ..RESPONDENTS

Ms. Minal Chandnani i/b. Chandnani & Associate for petitioners.
Mrs. V.S. Nimbalkar, AGP in WP/12065/2019.
Mrs. M.S. Bane, AGP in WP/2491/2020.
Mr. S.L. Babar, AGP in WP/2492/2020.
Mr. P.P. Pujari, AGP in WP/2493/2020.

CORAM : M.S.KARNIK, J.

DATE : JANUARY 11,2021.

P.C.:-

Rule. Rule is made returnable forthwith. As a common question is involved in this group of Petitions, the same is disposed of by a common order.

2. The challenge in these Petitions is to orders passed by the Sub-Divisional Officer ('SDO' for short) refusing to entertain the applications made by the petitioners for regularising the occupation of the petitioners under the provisions of the Displaced Persons (Compensation & Rehabilitation) Act, 1954. The impugned orders are passed on the ground that as the applications have been made by the petitioners after the Act was repealed, the applications made by the petitioners cannot be considered.

3. Learned counsel for the petitioners submits that before the impugned orders were passed no opportunity of the hearing was offered to the petitioners. Learned counsel for the petitioners relied upon the decision of this Court in the case of **Anandram Chandandas Lund (Shahani) vs. State of Maharashtra & anr.**¹ where this Court has passed the following order :

"1. The grievance of the petitioner is that the order dated 4.12.2018 (being Exh. L to the petition) passed by respondent No. 2 is passed without giving them any hearing.

2. Learned AGP states that the concerned Managing Officer – cum – Sub-divisional Officer shall give hearing to the petitioner and dispose of the application dated 20.10.2018 (being Exh. K to the petition) within a period of four weeks from the date of this order.

1 Writ Petition No. 2298 of 2019 (Bombay High Court) decided on August 21, 2019.

3. In view of the above, the order dated 4.12.2018 (being Exh. L to the petition) is set aside. The concerned Managing Officer – cum – Sub-divisional Officer shall give hearing to the petitioner and dispose of the application dated 20.10.2018 (being Exh. K to the petition) within a period of four weeks from the date of this order.

4. Petition is accordingly disposed of.”

4. In the present Petitions also, admittedly, no opportunity of the hearing was given to the petitioners. These Petitions also can be disposed of on the same terms.

5. Learned AGP raised objection that in view of the Notification dated 27th October, 2017 issued by the Central Government, it is only the Divisional Commissioner, Konkan Division, Government of Maharashtra, which can entertain the applications.

6. As the impugned orders are not passed on the ground that the SDO has no jurisdiction, even this issue as regards the jurisdiction of the SDO can be decided after hearing the petitioners.

7. Keeping all the contentions of the parties open including the jurisdiction of the SDO, the impugned orders are set aside

with a direction that the concerned SDO- respondent No.2 to give hearing to the petitioners and dispose of the applications dated 12/12/2019 (Writ Petition No. 12065/2019), dated 3/1/2020 (Writ Petition No. 2491/2020 and Writ Petition No. 2492/2020) and dated 24/1/2019 (Writ Petition No.2493/2020) within a period of 4 weeks from 27/1/2021.

8. The petitioners to appear before the respondent No.2 on 27/1/2021, at 11. a.m. when the respondent No.2- SDO can fix further schedule and dispose of the applications within a period of 4 weeks after giving an opportunity of the hearing to the petitioners.

9. All contentions are kept open.

10. The Writ Petitions are disposed of.

11. Rule is partly made absolute in the above terms.

12. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

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signed by
Diksha
Rane
Date:
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(M.S. KARNIK, J.)