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

WRIT PETITION NO.3876 OF 2021

The Cotton Corporation of India Ltd.
and Ors.

.... Petitioner

vs.

State of Maharashtra and Anr.

..... Respondents

Mr.Subir Kumar a/w Ms.Salonee Patil, Mr.Syed Ahmed I/b
M/s.SDS Advocates for the petitioner

Mr.Jagdish G.Aradwad (Reddy) for the applicant

Mr.PPKakade, G.P a/w Mr.V.S.Gokhale 'B' Panel Counsel for the
State

**CORAM: K.K.TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : SEPTEMBER 02, 2021

PC.

. Heard.

2. By this petition, under Article 226 of the Constitution of India, Petitioner is challenging the letter cum order dated 08.06.2021 passed by Respondent no.2 District Collector and District Magistrate, Raigad and Ex-Officio Chairman, District Disaster Management Authority fixing the compensation / rent in respect of the property taken by them for COVID-19 pandemic.

3. The main contention of the Petitioner is that though this court by order dated 06.05.2021 directed Respondent no.5 to fix the compensation rate after hearing both the sides, rate fixed by the Respondent for compensation / rent is without hearing to the petitioner. He submits that these facts are admitted by the respondents in their Affidavit-in-Reply dated 17.08.2021 in paragraph 13. The said paragraph reads thus:

“13. I say that after going through the record forwarded by the office of the Respondent No.2 to the Deponent, it appears that no personal hearing was provided to the Petitioner before passing the impugned order dated 08.06.2021, but the said order is a well reasoned order and the same is passed after calling reports from various departments like Panvel Municipal Corporation, ADTP/Panvel, Executive Engineer/PWD about the quantum of compensation / rent payable to the Petitioner in lieu of requisition of the said premises of the Petitioner and considering all these facts only the Respondent No.2 has passed the impugned order and there is no any illegality or irregularity therein as is otherwise sought to be alleged by the Petitioner. Even otherwise also the Respondent No.2 has considered the rent/ compensation considering the report submitted by the Executive Engineer/PWD Panvel which specifically mentions that as per government record the rent of the said premises shall be @Rs.19.92 per sq. ft. per month and even the Respondent No.2 has considered the said rate of rent as per the Government record. I say that there is no any illegality or irregularity in fixing the rent by deducting the expenditure incurred by the Government on repairs and providing the basic amenities like water connection, drainage system approach road etc.”

4. The learned counsel for the Petitioner submits that in the interest of Justice, this Hon'ble Court be pleased to set aside the letter cum order dated 08.06.2021 passed by the Collector, Raigad and direct them to fix the monthly rent after hearing the petitioner.

5. Yesterday the matter was on board before this court. After hearing for some time, matter was adjourned at the request of the learned G.P. to take instruction whether the learned Collector is ready and willing to hear the Petitioner and decide the rate of the compensation. Today, the learned G.P. for the Respondent State submits that he received instruction in writing by letter dated 20.08.2021 from the learned Collector stating that they are ready and willing to hear the Petitioner and other parties for fixing the compensation / rent of the property which they had taken for COVID-19 pandemic. The said letter is taken on record and marked 'X' for identification. Same is accepted. In view of the statement made by the learned G.P. for the Respondent and the letter dated 20.08.2021, following order is passed:

a. Letter cum order dated 08.06.2021 passed by the learned Collector, Raigad regarding fixing of rent for the godown owned by the Petitioner i.e. The Cotton Corporation of India, Navi Mumbai is set aside.

b. Learned Collector, Raigad is directed to hear the Petitioner and concerned authorities for fixing the rent of the said godown and then decide the same.

- c. With these directions, Writ Petition stands disposed of.
- d. No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K.TATED, J.)