

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO.22169 OF 2021**

Changunabai Haribhau Kale and ors.

....Petitioners

Versus

The State of Maharashtra, through the
Principal Secretary, Revenue and Forest Department,
Mantralaya, Mumbai and ors.

....Respondents

Ms. Shakuntala Wadekar, advocate for the petitioners.
Mr. S. L. Babar, AGP for the State.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 1st DECEMBER, 2021.

P.C. :

1. Not on board. Mentioned by way of praecipe by learned counsel appearing for the petitioners claiming extreme urgency and, accordingly, order is passed in the matter.

2. It is stated in the praecipe that the petitioners are poor marginal agriculturist and they are holding land less than one acre. It is also stated that agriculture is the only source of their livelihood. It is then stated that the petitioners are desirous of challenging an award passed in the year 1991. It is stated further in the praecipe that the petitioners have approached the authorities time and again by way of submitting applications/representations and a last representation was submitted to respondent No.6 – Hon'ble Minister for Revenue on 19th July, 2019. The application was submitted at the instance of petitioner No.7 – Tukaram

Rabhaji Kale in representative capacity. Learned counsel for the petitioners submitted that the petitioners have apprehension that the authority may proceed to treat the petitioners as project affected persons, whereas, in fact the petitioners cannot be termed as project affected persons.

3. On query put to the petitioners, as to why the petitioners have the aforesaid apprehension, learned counsel for the petitioners submitted that in the backdrop of the project, which was initiated way back in the year 1979, the petitioners have the said apprehension/impression.

4. Learned counsel for the petitioners submitted that apart from the other grievances, the grievance of the petitioners is also in respect of respondent No.6 not deciding the application for a considerable long period. Learned counsel for the petitioners submitted that if directions are issued to respondent No.6 to decide the petitioners' application within a reasonable period, the purpose of approaching this Court by the petitioners would be reasonably served. Considering this prayer, we deem it appropriate to dispose of the petition without going into other issues and the merits of the petition. Thus, the following order is passed:

ORDER

(1) Respondent No.6 – Hon'ble Minister is directed to decide the application dated 19th July, 2019 under

section 48 of the Land Acquisition Act, 1894, filed at the instance of petitioner No.7 – Tukaram Rabhaji Kale as early as possible and not later than 12 weeks from the date of receipt of the order of this Court.

(2) In the event, the petitioners are desirous of personal hearing, they may make an appropriate request to respondent No.6 and, if such request is made, respondent No.6 may consider the request on merits and as per the provisions of law.

With these directions, the writ petition stands disposed of.

5. Learned counsel for the petitioners vehemently prayed for an interim protection. We see no reason to pass any interim order in view of the above referred facts. In case, the petitioner makes such request before the authority and the provisions of law permit, the authority may consider the request for the interim order.

6. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)