

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

WRIT PETITION NO. 9355 OF 2021

Maruti Krushna Ambhore and Ors.

...Petitioners

vs.

The State of Maharashtra Thr. Secretary
Industries and Ors.

...Respondents

.....

Mr. Sachin S. Punde - Advocate for the Petitioners.

Ms. M. S. Bane - AGP for the Respondent-State.

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

DATE : 22nd DECEMBER, 2021

PER COURT:-

. The learned counsel for the Petitioners submitted that there is an extreme urgency in the matter circulated the petition at the production board at 2.30 p.m.

2. The learned counsel submitted that an acquisition was initiated taking recourse to the provisions of Maharashtra Industrial Development Act. The Petitioners are having interest in the proposed acquired land and as such they are interested party and on this ground the Petitioners approached the Respondent No. 2 – Sub-Divisional Officer, Maval-Mulshi Pune, by lodging their objection.

3. The perusal of the documents placed on record show that vide order dated 03rd June 2021, the Respondent No. 2 directed the Petitioners to submit their consent. The order states that after compliance of the formalities the further action of disbursement of amount would take place.

4. The documents placed on record shows that there was proceedings initiated in the Competent Civil Court in the nature of Civil Suit No. 142 of 2006. The Petitioners were the Counter claimants. The suit filed at the instance of the plaintiff was decreed. Whereas the Counter claim of the present Petitioners was dismissed.

5. The learned counsel for the Petitioners submitted that being aggrieved by the said order the Petitioners are preferred an appeal. It is further submitted that the Respondent No. 2 though heard the objection petition/application order is not passed by the Respondent No. 2 but Respondent No. 2 orally informed the Petitioners that their objection is rejected. It is also stated in the petition that the Respondent No. 2 told the parties that the amount of compensation would be disbursed on the basis of consent given by the Respondent Nos. 3 to 11. It is further stated in the petition is that though the Petitioners are requested for a written order of rejection of their

objections however the same was refused. It is then submitted before this court that in case Sub-Divisional Officer – Respondent No. 2 who had already made his mind for rejection of objection application passed the same order and in pursuant to the order if amount is disbursed the Petitioners put to substantial prejudice.

6. The submissions of the learned counsel lis to say are in nature of assumption and presumption. As there is no order passed by the Respondent No. 2, in our opinion the petition itself can be disposed of with direction to Respondent No. 2 - Sub-Divisional Officer to pass the orders on the objection application in case the objection application is heard by the Respondent-Authority. In case no orders are passed till date the Respondent No. 2 to pass the order on the application as early as possible and provide copy of his order to the Petitioners. In case the order is against the Petitioners, the Petitioners may take appropriate steps or avail appropriate remedies as under law.

7. Accordingly, the writ petition stands disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)