

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**77 WRIT PETITION NO.8008 OF 2022**

SHAIKH KHATUNBI CHAND DECEASED THROUGH LRS ARIF  
CHAND SHAIKH

VERSUS

THE UNION OF INDIA THROUGH THE SECRETARY AND  
OTHERS

...

Advocate for Petitioner: Mr. Patil Prakashsing B.

AGP for Respondent/State: Mr. S. K. Tambe

ASG for Respondent Nos.1, 3 & 4:

Mr. A. G. Talhar

...

**CORAM: RAVINDRA V. GHUGE**

**AND**

**ARUN R. PEDNEKER, JJ.**

**DATE: 02<sup>nd</sup> AUGUST, 2022**

**PER COURT:**

1. The Petitioner has put-forth prayer  
Clauses 'B' and 'C', as under:-

"B] By appropriate writ in the nature of  
certiorari or any other writ of like  
nature or by appropriate directions or by  
appropriate orders the impugned notice  
dated 27/03/2019 issued by respondent  
no.2 may please be quashed and set aside.

C] Pending the hearing and final  
disposal of this writ petition effect,

implementation, operation, execution the impugned notice dated 27/03/2019 issued by respondent no.3 may please be stayed."

2. Considering the order that we are passing, we are not required to deal with the submissions of the respective sides in details. Suffice it to say that the Petitioner's land was acquired for a public project. He was paid compensation of an amount of Rs.22,18,795/- on 24.08.2017. The Respondents noticed that they have paid an excess amount of Rs.9,98,458/- and hence a notice was issued on 27.03.2019. This Petition is filed on 14.07.2022.

3. The learned Advocate for the Petitioner submits that the said amount has not been recovered from the Petitioner's Bank Account, encumbrances have been created on the 7/12 extract. He prays that the authorities may hear him before initiating any steps towards recovering the said amount.

4. The learned ASG submits that as the notice dated 27.03.2019 has been issued, the Petitioner may consider it to be a show cause notice so as to file the written reply. As on date, coercive steps have not been initiated and until the Petitioner submits a reply and three (03) weeks thereafter, for arriving at a decision, coercive steps would not be taken.

5. In view of the above, this Petition is disposed off with the following directions:-

A] The Petitioner shall submit a written reply to Respondent No.3, on or before 25.08.2022.

B] After receipt of the reply, Respondent No.3 shall consider the contentions of the Petitioner and the record available and by following the due procedure laid down in law, shall arrive at a decision, on or before 10.10.2022.

C]           Thereafter, Respondent No.3 would communicate it's decision to the Petitioner on or before 21.10.2022.

D]           If the Petitioner is aggrieved, he would be at liberty to avail of a remedy as may be permissible in law for the redressal of his grievance.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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