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

917 WRIT PETITION NO.535 OF 2021

**MADHUKAR RAMRAO MISAL & OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr S. B. Tarde, Advocate for petitioners;
Mr S. G. Sangle, A.G.P. for respondent Nos.1 to 7
Mr B. R. Surwarse, Advocate for respondent No.8

**CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.**

DATE : 13th April, 2022

PER COURT:

1. We have briefly considered the submissions of the learned Advocates for the respective sides. We have perused the affidavit-in-reply filed on behalf of respondent No.8. The Government Resolution dated 21/09/2012, regarding acquisition of those lands which are frequently sub-merged in the Jayakwadi project, is the basis of the grievance of the petitioners with reference to their agricultural lands being sub-merged in the backwaters of the Jayakwadi Project.

2. Considering that the petitioners can avail of the benefits of the Government Resolution dated 21/09/2012, only if found to be

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eligible, they pray that their representation dated 18/09/2020 be decided by the Competent Authority.

3. There can be no dispute that, if a litigant has a right and if there is any corresponding obligation on an authority to decide the claim, a writ of mandamus can be issued.

4. In view of the above, this petition is disposed off.

5. Respondent No.8 to consider the representation of the petitioner dated 18/09/2020.

6. We make it clear that we have not expressed any opinion on the merits of the petitioners' claims. They are to be considered by the Competent Authority, strictly as per the Government Resolution dated 21/09/2012.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

sjk