

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

904 WRIT PETITION NO.9776 OF 2022

**RAJENDRA BABURAO DHAKANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioners:
Mr. R. R. Chandak h/f. Mr. S. M. Kshirsagar
AGP for Respondent/State: Mr. S. G. Sangle
Advocate for Respondent Nos.4&6: Mr. P. S. Pawar

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**CORAM: RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE: 29th SEPTEMBER, 2022

PER COURT:

1. The Petitioners have put-forth prayer clauses 'B' and 'C', as under:-

"B] By way of issuing appropriate writ, order or directions in the like nature, the Respondent No.2 may kindly be directed to consider the Representation dated 30.12.2019 submitted by the petitioner No.1, in the interest of justice.

C] By way of issuing appropriate writ, order or directions in the like nature, to hold and declare that, action of Respondents regarding construction of Tar Road by closing natural flow of River / Nala is illegal."

2. We have considered the submissions of the learned Counsel for the respective sides.

3. We find that this Court had passed an order on 03.12.2019, in Writ Petition No.14518 of 2019, filed by Rajendra Baburao Dhakane and another Vs. The State of Maharashtra and others. This Court had permitted the Petitioners to file a fresh representation for seeking compensation / acquisition, to the District Collector. The Authority was directed to decide the representation within six (06) months. Consequentially, the Petitioners had preferred a representation dated 30.12.2019.

4. The learned AGP submits on instructions from the District Collector that due to several issues, including certain hindrance created by the Petitioners, that the representation could not be decided. The learned Advocate for the Petitioners refutes the said contention.

5. The learned AGP submits that the representation would be decided by the Collector within three (03) weeks. The Petitioners are agreeable.

6. In view of the above, this Petition is disposed off.

7. The District Collector shall decide the representation dated 30.12.2019, on it's own merits and by following the procedure laid down in law, on or before 21.10.2022.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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