

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

15 WRIT PETITION NO.5702 OF 2019

SUNIL BHASKAR GARJE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioners : Mr.N.K.Tungar
AGP for Respondent-State : Mrs.M.A.Deshpande
Advocate for Respondent no.4 : Mr.S.S.Rathi

...

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

DATE : 18.04.2022

P.C. :

1. Our order dated 24.03.2022 has still not been complied.

2. We have perused prayer clauses-B, C and D, which read as under:

B) Issue Writ of mandamus or any other appropriate writ or order by passed and respondents be directed to pay compensation for the excavation carried by the respondent from the Gut No. 41 and 42, Village Bavi, Tq.Ashti, Dist. Beed for the purpose of construction of railway line.

- C) The respondents be directed to consider the representation of the petitioner dated 05.07.2018, 10.07.2018.
- D) In the Meanwhile, respondent No. 3, be directed to forward demand to respondent No. 4 as per the panchanama prepared by Public Works Department dated 27.07.2016 and make payment of compensation to petitioners to their respective share.

3. The petitioners desire that we should issue a Writ of mandamus in our extra ordinary jurisdiction under Article 226 of the Constitution of India for either quantifying compensation or for directing the demand to be forwarded by respondent no.3 to respondent no.4 and make payment of compensation to the petitioners. It is also expected that we should direct the respondents to consider the representations of the petitioners dated 05.07.2018 and 10.07.2018, when the petition is filed in less than 8 weeks on 27.08.2018.

4. In view of the above, we refuse to exercise our writ of mandamus. However, now that the representations are pending for more than 3 years, we direct respondent nos. 2 and 3, as suggested by the petitioners, to decide the pending representations dated 05.07.2018 and 10.07.2018, on their own merits.

5. This petition is disposed off.

[S.G.DIGE, J.]

[RAVINDRA V. GHUGE, J.]

DDC