

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

953 WRIT PETITION NO.14646 OF 2019

Dwarkadas Balmukund Mantri
Age : 80 years, Occu: Agriculture,
R/o. Ambad, Taluka Ambad,
District Jalna.

... **PETITIONER**

VERSUS

1. The State Maharashtra
through Principal Secretary,
General Administration Department
Mantralaya, Mumbai – 32.
2. The Collector, Jalna
Collector Office, Jalna.
3. Resident Deputy Collector, Jalna
Collector Office, Jalna.
4. The Superintendent Nashik
Road Central Prison
Jail Road, Nashik.

... **RESPONDENTS**

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Advocate for Petitioner : Mr. Satyajit S. Bora
AGP for Respondents: Ms. M.A. Deshpande

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**CORAM : MANGESH S. PATIL AND
Y. G. KHOBRAGADE, JJ.**

DATE : 02.12.2022

ORDER:

Heard.

2. Rule. Rule is made returnable forthwith. At the joint request of the parties, the matter is heard finally at the stage of admission.
3. The petitioner claiming to have suffered imprisonment during emergency has been seeking benefit of the Government Resolution whereby the State has resolved to pay honorarium to such persons.
4. The learned advocate for the petitioner submits that since only an affidavit was required to be filed along with application, he had no opportunity to produce the documents before the authority and the

Committee constituted for the purpose which makes the recommendations. He submits that it is only after his proposal was rejected that he could undertake a search and lay hands on several important documents including the order passed by a District Magistrate dated 06.11.1975 directing his detention, a subsequent order passed by him on the same day. Further order communicated by the Section Officer of the Home Department of the State Government confirming his detention under the Maintenance of Internal Security Act, 1975. He also submits that even he could trace a letter received by him from the State Government dated 02.08.1976 conveying to him the decision of the Government to continue his further detention under the same provision.

5. Learned AGP submits that based on the material that was available before the Committee the petitioner's case was objectively considered by the Collector and was rightly rejected. She submits that if the petitioner is in possession of certain vital documents, his case can be considered and a fresh decision can be taken based on the additional material.

6. We dispose of the writ petition and relegated the petitioner before the Committee. He may produce all the documents in his possession to substantiate his case which the Committee shall reconsider and make a fresh proposal on the basis of which the Collector shall take appropriate decision.

7. The Committee shall consider the case of the petitioner afresh within six weeks and submit its report to the Collector within two weeks thereafter and the Collector shall thereafter take decision within two weeks of receipt of the report.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)