

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4656 OF 2019

Ganesh Mohan Palande and Ors. ...Petitioners
vs.
The Deputy Collector,
Rehabilitation, Pune and Ors. ...Respondents

Mr. Nitin P. Deshpande a/w Ms. Kanchan Pathak - Advocate for the
Petitioner in all 6 WP
Mrs. Rupali M. Shinde - AGP for the Respondent-State in above WP
Mr. P. M. Arjunwadkar – Advocate for the Respondent No. 4 in WP 790 of
2022.

**CORAM : R. D. DHANUKA AND
S. M. MODAK, JJ.**

DATE : 26th FEBRUARY, 2022

P. C. :-

1. Rule. Learned AGP waives service of notice on behalf of Respondents. By consent of parties, the petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the Petitioner has prayed for a writ of certiorari for quashing and setting aside the Award dated 13/07/2016 passed by the Land Acquisition Officer to the extend of the land described in the petition.

3. Mr. Nitin P. Deshpande, the learned counsel for the Petitioners states that though the Petitioners have prayed for quashing and setting aside the award dated 13/07/2016 in this petition, there is no objection if the

application filed by his client under Section 14 of the Land Acquisition Act which is pending before the Additional Commissioner, Pune is directed to be decided as expeditiously as possible after granting the liberty to the Petitioners to reconstruct the papers and proceedings which are stated to be not found in the records of the Additional Commissioner, Pune. Statement is accepted.

4. We accordingly permit the Petitioners to reconstruct the papers and proceedings in the said application filed under Section 14 of the Land Acquisition Act within one week from today.

5. If any such papers and proceedings are filed by the Petitioners, the Additional Commissioner, Pune shall accept such papers on record and to consider the said application within 8 weeks from reconstruction of the records and proceedings.

6. The Additional Commissioner, Pune is directed to issue 7 days clear notice to the Petitioners for personal hearing. The Petitioners shall not take any unnecessary adjournment and shall co-operate in disposing of the said application expeditiously as directed.

7. The Order that would be passed by the learned Additional Commissioner shall be communicated to the Petitioner within one week from the date of passing of Order.

8. If Order is in favour of the Petitioners, the relief shall be granted in

favour of the Petitioners within four weeks from the date of such Order.

9. If Order is adverse against the Petitioners, the Petitioners would be at liberty to file an appropriate proceedings.

10. The Writ Petition is disposed of in aforesaid terms. No Order as to costs.

11. Rule is made absolute. It is made clear that this Court has not expressed any views on the merits of the matter. All contentions of both the parties are kept open.

12. Parties to act on the authenticated copy of this Order.

13. Office is directed to de-tag Writ Petition No. 3620 of 2019, Writ Petition No. 1249 of 2022, Writ Petition No. 971 of 2021, Writ Petition No. 972 of 2021 and Writ Petition No. 790 of 2022 from the Writ Petition No. 4656 of 2019 as the facts and submission of these matters are different and should be shown separately on the next date.

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[S. M. MODAK, J.]

[R. D. DHANUKA, J.]