

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8576 OF 2022

Smt.Vimal Babu Lande & Ors.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr.S.R. Ronghe for the Petitioners.

Mrs.R.M. Shinde, AGP for Respondent Nos.1 to 5-State.

Mr.Vijay D. Patil for Respondent No.6-PMRDA.

Mr.Rohit Sakhadev for Respondent No.7-PMC.

CORAM : R.D. DHANUKA &
S.G. DIGE, JJ.

DATE : 22 NOVEMBER 2022

P.C:-

. Leave to amend to delete the Respondent No.6 and to substitute Respondent No.6 by Pune Metropolitan Region Development Authority as Respondent No.6. The amendment to be carried out forthwith.

2. Mr.Patil, the learned counsel for Respondent No.6 waives service.

3. Mrs.Shinde, the learned AGP waives service for Respondent Nos.1 to 5.

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4. Mr.Rohit Sakhadev, the learned counsel for Respondent No.7 waives service.

5. Rule. Rule is made returnable forthwith. Heard finally by consent of the parties.

6. By this Petition filed under Article 226 of the Constitution of the India, the Petitioners seek for a writ of mandamus directing the Respondents to restore the land described in prayer clause (b) of the Petition. The Petitioners also seek a declaration that the land owned by the Petitioners is not acquired by the Respondent No.6 and Respondent No.7.

7. After arguing the matter for sometime, Mr.S.R. Ronghe, the learned counsel for the petitioners states that if the representation dated 22 December 2021 made by his clients to the State of Maharashtra and seven others is decided, his clients will not prosecute the Petition.

8. He states that the Respondent-District Collector shall decide the said representation in accordance with law expeditiously. He does not the other reliefs at this stage. The statement is accepted.

9. The District Collector is directed to decide the representation in accordance with law within three months from today without fail.

10. The learned District Collector shall give 7 days clear notice to the Petitioners for personal hearing.

11. The learned Collector shall grant personal hearing to the Petitioners as well as PMRDA by giving seven days clear notice.

12. The order passed by the learned District Collector shall be communicated to the Petitioners as well as PMRDA within one week from the date of the passing of the order.

13. It is made clear that if any party is aggrieved by the order passed by the District Collector they would be at liberty to file appropriate proceedings as permissible in law.

14. The PMRDA would be at liberty to file reply to the representation made by the Petitioners before the District Collector and also would be at liberty to file appropriate proceedings as permissible in law. The District Collector shall consider the said reply filed by the PMRDA before passing of the order.

15. It is made clear that this Court has not expressed any view on the representation made by the Petitioners and replies filed by any of the parties including PMRDA. All contentions of the parties are kept open.

16. At this stage, Mr.S.R. Ronghe, the learned counsel for the Petitioners states that the parties be directed to appear before the District Collector on date as may be assigned by this Court.

17. The Petitioners as well as PMRDA are directed to remain present through their authorized representatives before the District Collector on 30 November 2022 at 11.00 a.m.

18. The learned AGP to communicate this order to the learned District Collector for information and for compliance of this order.

19. If the date assigned by this Court is not convenient to the learned District Collector for any reason, the District Collector shall communicate an earliest date to both the parties within 7 days in advance.

20. The Writ Petition is disposed off in the aforesaid terms.

21. Rule is made absolute in the aforesaid terms. No order as to costs.

22. The parties to act on the authenticated copy of this order.

23. We have heard the learned counsel for all the parties vehemently.

24. It is made clear that the Respondent No.7 has also remedy to appear before the District Collector and file its objection to the representation made by the Petitioners within one week. The copy of the objection to be served upon the Petitioners. The reply, if any, filed by the PMRDA shall be served upon the Petitioners before the date of hearing before the District Collector. Reply to the representation be filed within two weeks from today.

(S.G. DIGE, J.)

(R.D. DHANUKA, J.)