

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

WRIT PETITION NO.4921 OF 2021

Anant Gopal Gharat and Ors.

.. Petitioners

Vs.

Deputy Collector (Land Acquisition), Panvel & Ors.

.. Respondents

Mr. Prashant D. Patil for the Petitioners.

Ms. Kavita Solunke, AGP for the Respondents–State.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : 19TH AUGUST, 2022.

P.C. :

1. The petitioners are before this court with the following principal prayers, namely, prayer clauses (a) and (b) and the prayers read thus :–

(a). This Hon’ble Court may be pleased to issue a writ of mandamus thereby directing the respondent authorities to allot the 20% developed plot of land to the petitioners in lieu of acquisition of their agricultural land under the provisions of Section 31 and Schedule – II of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(b). This Hon’ble Court may be pleased to issue a writ of mandamus thereby directing the respondent authorities to decide the representation dated 28/10/2020 submitted to the respondent nos.1 to 3 and 5 within a period of four weeks from the date of order passed by this Hon’ble Court.”

2. The petition was listed before this court on 15th June 2022 and the following order was passed :-

- “ Issue notice upon the respondent nos.2, 3 & 5, returnable on 4th July 2022. Learned AGP waives service for the respondent nos.1, 4 & 6.*
- 2. Learned counsel for the petitioners undertakes to serve the respondent nos.2, 3 and 5 within one week from today. In addition to the court notice, the petitioners are permitted to serve the respondent nos.2, 3 & 5 by private service by all permissible modes available in law. Hamdust is permitted.*
- 3. The respondent nos.2, 3 and 5 shall indicate before this court on the next date as to whether they have any objection if this court directs the respondents-authorities to decide the representation made by the petitioners dated 28th October 2020 within four weeks from the date of this order or any suitable period. In the notice, it shall be made clear that the court will make an endeavour to dispose of the petition finally at the admission stage subject to time constraint.”*

3. Now considering the above referred order passed by the Division Bench of this court, it can safely be said that the Division Bench was of the opinion that instead of going into the merits of the petition, the petition can be disposed of with directions to the respondents and particularly to respondent no.2 to decide the representation submitted by the petitioner on 28th October 2020. The copy of the representation is placed on record at Exhibit-C to the petition.

4. Pursuant to the order of this court dated 15th June 2022, the petitioner served respondent nos.2, 3 and 5. The affidavit-of-service is also placed on record. The office report indicates that the court notice issued to respondent nos.2, 3 and 5 is also duly served and there is bailiff's report to that effect. In spite of notice being served on respondent nos.2, 3 and 5, neither any objection is raised by way of a written reply nor any counsel is representing respondent nos.2, 3 and 5.

5. Considering these facts, we deem it appropriate to dispose of the petition with a direction to respondent no.2-the Managing Director, City and Industrial Development Corporation, CIDCO Bhavan, CBD Belapur, New Bombay to decide the representation submitted by the petitioner as expeditiously as possible and not later than twelve weeks from the date of receipt of the order of this court. We further make it clear that this court has not made any observations on the merits of the representation.

6. Petition is accordingly disposed of with the above directions.

[KISHORE C. SANT, J.]

[PRASANNA B. VARALE, J.]