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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11164 OF 2019**

Priya Darshani Shikshan Prasarak
Mandal, Ulhasnagar and Others Petitioners.

V/s

Ashwini Narayandas Vaswani and Ors. Respondents.

Mr. Dilip Bodake for the Petitioners.

Mr. Mayur Khandeparkar i/b Minal J. Chandnani for Respondent Nos.
1 to 5.

Mr. A.P. Vanarase, AGP for Respondent Nos. 6 to 8.

CORAM: NITIN W. SAMBRE, J.

DATE: AUGUST 05, 2022

P.C.:-

1] Challenge is to the order dated 26th October, 2018 passed by the Divisional Commissioner, Konkan Division whereby claim of the Petitioners in Revision No.Misc. 11 of 2018 preferred under Section 33 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 came to be rejected by non-suiting the Petitioners on the ground of locus.

2] Contentions are, adjoining properties are already allotted in favour of the Petitioners, whereas claim in relation to the land which

is in possession of Respondent Nos. 1 to 5 by virtue of Conveyance Deed dated 23rd October, 1998 needs to be cancelled and the Petitioners' claim be considered for allotment of the same.

3] Though Counsel for Respondent Nos. 1 to 5 has strenuously supported the order impugned, thereby substantiating reasons in support of the findings recorded by the Respondent-Authority, Respondent-Authority has non-suited the Petitioners only on the ground of locus. Even if Respondent-Authority intends to non-suit the Petitioners on the ground of locus, least that was expected was finding of non-suited the Petitioners on the ground of locus should have been supported by reasons. Apart from above, facts remains that both the parties have made lawful claims in the Revision which are not at all dealt with. As such, what can be noticed is, order impugned lacks reasons.

4] That being so, order impugned dated 26th October, 2018 passed by the Divisional Commissioner, Konkan Division is hereby quashed and set aside.

5] Parties hereto agreed that they shall appear before the said Authority on 12th September, 2022.

6] This Court expects the Respondent-Authority to deal with the contentions of both the parties and pass a speaking order in the matter.

7] As such, Writ Petition stands partly allowed in the aforesaid terms.

8] Needless to clarify that this Court has not appreciated or gone into merits of the matter.

(NITIN W. SAMBRE, J.)