

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

WRIT PETITION NO. 6727 OF 2022

Santoshi Vinayak Kadam & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

.....

Mr. R.M. Haridas i/b. Mr. Prasad P. Kulkarni for the Petitioners.
Mr. R.S. Pawar, AGP for the State.

.....

**CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATE : 10 OCTOBER 2022

P.C. :

Heard the learned Counsel for the parties.

2. The Petitioners have challenged the order dated 3 January 2022 passed by the Respondent No.3- the Additional Collector, Solapur directing that for administrative reasons the allotments done in favour of the project affected persons from whom the Petitioners purchased the lands be cancelled.

3. The grievance of the Petitioners is that no hearing is given to the erstwhile owners-project affected persons nor the Petitioners. Apart from this aspect, as also noted by the Division Bench in its order dated 15 June 2022, the issue whether the Petitioners can be

considered having any rights in the property and whether their sale deeds with the project affected persons were as per law, still would arise for consideration. Though the impugned order does not refer to this aspect, it goes to the root of the matter. However, to decide even on that ground that whether allotment should be cancelled on breach of the terms and conditions, the affected party will have to be given an opportunity.

4. Accordingly, we direct that the order dated 3 January 2022 is quashed and set aside. The Respondent No.3 will hold an enquiry on the aspect referred to in the order dated 3 January 2022 and also whether the original affected persons were in breach of the terms and conditions of allotment dated 18 February 1996, more particularly, the condition of taking prior permission for selling the lands allotted to them. The Respondent No.3 will hold necessary enquiry within a period of four weeks from the date the Petitioners appear before Respondent No.3 i.e. on 20 October 2022. If the Petitioners do not appear before the Respondent No.3 on 20 October 2022, as directed, the impugned order will stand revived.

5. With these observations, the writ petition is disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)