

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8024 OF 2022

Bharat Dalit Sevak Sangh.

...Petitioner.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. Sandeep Phatak for the petitioner.

Mr. R. S. Pawar, AGP for the respondent-State.

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

Date : **July 20, 2022.**

P. C. :

1. Not on board. Mentioned by way of a *praecipe*. In view of the request, production was granted and the matter was taken on board.
2. As the petitioner has approached this Court with a limited prayer seeking direction to the authority–respondent no.4, i.e., the Resident Deputy Collector, Pune District, to decide its representation, the petition is taken up for hearing disposal at the admission stage itself.
3. Our attention was invited to the various documents placed on record. On 24th June 1961, the State Government vide an order of Collector, Pune handed over the piece of land situated at village Hingne Budruk, taluka Haveli, district Pune to the petitioner-society for educational purposes, namely, the construction of girls' hostel and high school building. The copy of order is placed on record at Exhibit-A page

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no.29 to the petition. Needless to state that the possession was handed over to the Petitioner–society subject to various conditions set out in the order. It is submitted by learned counsel appearing on behalf of the Petitioner that the Petitioner–society is duly registered under the provisions of Maharashtra Public Trusts Act and the aim and object of petitioner–society is up-liftment of downtrodden class students. It seems that in the year 1961, there was some exchange of communication between the State Government and the petitioner-society and then in the year 1989 certain information was sought for from the petitioner by communication forwarded through respondent no.3-District Collector, Pune. The Petitioner responded to the said communication by way of a reply dated 17th August 1989. It seems that again in the year 2008, the office of Collector Pune informed the Petitioner that the Petitioner–society was duty bound to follow the conditions imposed upon the petitioner while handing over possession of land but the Petitioner had committed breach of these conditions. In the communication dated 2nd January 2008, it is stated that said land is not utilised for the purpose for which it was allotted to the Petitioner. Copy of the said letter is placed on record at Exhibit-G page no.44 to the petition. By the said communication, the Petitioner was also informed that failure to submit reply would lead to consequential action. Again, a communication was forwarded to the petitioner on 17th October 2014. The perusal of this

communication shows that certain objections were raised by the office of Auditor General and accordingly the Petitioner-society was informed to hand over the possession of land back to the State Government for having committed breach of conditions.

4. It seems that the said notice was subject matter of Writ Petition No.11729 2014. Vide the order dated 31st December 2014 passed by the Vacation Judge of this Court, the Petitioner were protected by an interim order and liberty was granted to the Petitioner-society to apply before the regular Court. Ultimately, the said writ petition was then disposed of by this Court vide an order dated 11th February 2015. The order impugned in the said writ petition was quashed and set aside only on the ground of breach of the principles of natural justice.

5. Perusal of documents placed on record further shows that the petitioner preferred revision before the State Government. The said revision petition was, however, rejected by the order dated 6th March 2019. Being aggrieved by the order passed in revision, the Petitioner filed writ petition, bearing Writ Petition No.6428 of 2019. Another writ petition bearing Writ Petition No.6354 of 2019 was also filed. Both the petitions were tagged together and vide order dated 11th December 2019 both the petitions were disposed of. The Division Bench of this

Court observed that the order impugned in the petitions suffers from failure to observe the principles of natural justice, the order impugned in the petition dated 6th March 2019 was quashed and set aside and the competent authority was directed to issue fresh show cause notice. The competent authority was further directed to serve on the petitioner notice with an opportunity granted to the Petitioner to respond to the show-cause notice and thereafter the competent authority to take appropriate reasoned decision. The Petitioner by communication dated 17th December 2019, brought to the notice of Collector, Pune, Tahsildar, Haveli and the Circle Officer, Kothrud, Warje-Karvenagar Ward Office, Pune the order passed by this Court dated 11th December 2019. It seems that subsequently the Petitioner was served with notice dated 13th September 2021. The Petitioner initially sought time of 15 days to submit its reply along with written submissions and then on 22nd September 2022, the Petitioner submitted its reply / written submissions to the authority, i.e., Respondent No.4—the Resident Deputy Collector, Pune. Copy of the said letter submitted by the Petitioner is placed on record at Exhibit-T page no. 87 to the petition. It bears the stamp of the revenue branch attached to the district collector, Pune. Learned counsel appearing on behalf of the Petitioner submitted that though the written submission is accepted by the office of Respondent No.4 way back in the year 2021, there was no decision for considerable period, as such the

Petitioner was left with no choice but to approach this Court for seeking directions.

6. Considering the grievance raised in the petition and on the backdrop of above factual aspects, we deem it appropriate to dispose of the writ petition with a direction to Respondent No.4–the Resident Deputy Collector, Pune to decide the proceedings pursuant to the notice issued to Petitioner dated 30th August 2021. The Petitioner had submitted its written submissions before the authority. Needless to state that the authority to decide the proceedings by giving an opportunity of hearing to the Petitioner and by considering all the necessary documents and if needed by calling report from the subordinate officers. The authority to decide the said proceedings as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of this order.

7. All concerned to act upon a copy of this order issued by the Registry of this Court as an authenticated copy of the order.

[Kishore C. Sant, J.]

[Prasanna B. Varale, J.]