

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9856 OF 2022

Kondiba Dagadu Wadhane
Decd. Thr. Lrs. Mahadev Kondiba Wadhane ...Petitioner

Versus

The Deputy Collector Pune & Ors. ...Respondents

Mr.N.P. Deshpande, for the Petitioner.
Mrs.K.N. Solunke, AGP for Respondent-State.

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

DATE : 30 NOVEMBER 2022

P.C:-

. Rule. Mrs.Solunke, the learned AGP waives service for all Respondents. Rule made returnable forthwith. Heard finally by consent of parties.

2. By this Petition, under Article 226 of the Constitution of India the Petitioner seeks writ of mandamus there to the Respondents to issue notice under section 16(2)(a) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 to the Petitioner.

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3. We are informed that the Application filed by the Petitioner is still pending.

4. We direct the District Resettlement Officer to examine the case of the Petitioner on its own merits and in accordance with law and after hearing the Petitioner pass an order within eight weeks from the date of the granting personal hearing to the Petitioner.

5. The Petitioner has agreed to remain present before the District Resettlement Officer, Pune on 13 December 2022 at 11.00 a.m. with all the documents which the Petitioner proposes to rely upon in support of his claim. If there are any requisitions from the District Resettlement Officer, the same shall be communicated to the Petitioner within one week from the date of the Petitioner producing the documents. The Petitioner shall comply with the requisitions within one week thereafter. The Resettlement Officer thereafter shall pass an appropriate order within eight weeks. The order shall be communicated to the Petitioner within one week from the date of the passing of the order.

6. It is made clear that if the Application is made by the Petitioner, the consequential reliefs sought by the Petitioner shall be granted within eight weeks from the date of the passing

of the order as permissible in law. If the Application is rejected, the Petitioner would be at liberty to file proceedings as permissible in law.

7. We have not expressed any opinion on merits of the the said application. All contentions of both sides are expressly kept open.

8. The Writ Petition is allowed in the aforesaid terms.

9. Rule is made absolute. No order as to costs.

10. Parties to act on an authenticated copy of this order.

(S.G. DIGE, J.)

(R.D. DHANUKA, J.)