

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

**WRIT PETITION NO.7677 OF 2019**

Janardan Dhaya Patil .... Petitioner

versus

State of Maharashtra  
through its Secretary & Ors. .... Respondents

**WITH  
INTERIM APPLICATION (ST) NO.14344 OF 2022  
IN  
WRIT PETITION NO.7677 OF 2019**

The Sub-Divisional Officer  
Pen Division Pen District Raigad .... Applicant

**IN THE MATTER BETWEEN -:**

Janardan Dhaya Patil .... Petitioner

versus

State of Maharashtra  
through its Secretary & Ors. .... Respondents

.....

- Mr. R. S. Datar, Advocate for Petitioner.
- Mr. Rajan S. Pawar, AGP for State Respondent Nos.1 to 4 and Applicant in IAST/14344/22.
- Ms. Heena Shaikh i/b. Mr. M. V. Kini & Co., Advocate for Respondent No.5 (NHAI).
- Mr. S. G. Karandikar, Advocate for Respondent Nos.6 & 7.

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**CORAM : R. D. DHANUKA &  
M. G. SEWLIKAR, JJ.**  
**DATE : 05<sup>th</sup> JULY, 2022.**

**P.C. :**

1. Leave to amend granted to implead the clients of Mr. S. G. Karandikar as Respondent No.6 and 7. Amendment to be carried out forthwith. Re-verification dispensed with.
2. Rule. Mr. Rajan S. Pawar, learned AGP, waives service on Respondent Nos.1 to 4. Ms. Heena Shaikh waives service for Respondent No.5. Learned Counsel Mr. S. G. Karandikar, waives service for Respondent Nos.6 and 7.
3. Rule is made returnable forthwith.
4. By this Petition filed under Article 226 of the Constitution of India, the Petitioner seeks writ of mandamus against the Respondent authorities regarding payment of compensation in respect of land described in prayer clause (a) of

the Petition after effecting necessary course rectification in the mutation entry in respect of land retained by Respondent Nos.2 and 3.

5. Learned counsel for the Petitioner invited our attention to the order dated 16/11/2018 annexed as Ex.HH to the Petition and submitted that it is clearly stated that there appears to be error in the impugned mutation entry and is required to be corrected.

6. In respect of said land, Respondent Nos.6 and 7 claim certain rights. Mr. R. S. Datar, learned counsel for the Petitioner, has no objection if hearing is granted to Respondent Nos.6 and 7 also by the authority. However his request is that since affidavit-in-reply in this case is filed by the competent authority Mr. Vitthal Inamdar, the hearing to be granted by any other competent officer.

7. In view of submissions made by the learned counsel for the Petitioner, it is submitted by the learned AGP that the

hearing can be transferred to any other competent authority and Sub-Divisional officer. He on instructions from competent authority who is present in the Court submits that the hearing can be granted by competent authority Sub-Divisional Officer, Alibaug. Statement is accepted.

8. We accordingly pass following order:

**ORDER**

- (i) The competent authority Sub-Divisional Officer, Alibaug shall grant personal hearing to the Petitioner and Respondent Nos.6 and 7 in respect of dispute relating to impugned entry relating to land bearing i.e. Survey No.186 A/2 and 186 A/4 situated at Pen, District Raigad and shall pass order in accordance with law.
- (ii) Learned counsel appearing for the Respondent Nos.6 and 7 states that his clients have no objection if hearing is granted by the competent authority and Sub-

Divisional Officer, Alibaug, in place of competent authority Pen. Statement is accepted.

- (iii) The Petitioner and the Respondent Nos.6 and 7 are directed to remain present before the competent authority Sub-Divisional Officer, Alibaug, at 11.00 a.m. on 15/07/2022. It is made clear that no fresh notice would be issued to the Petitioner and Respondent Nos.6 and 7 for hearing.
- (iv) Learned AGP to convey this order to competent Authority and Sub-Divisional Officer, Alibaug for information and compliance.
- (v) The order shall be passed by the authority within six weeks from the date of first meeting and shall be communicated to the parties within one week from the date of passing order.

- (vi) It is made clear that this Court has not expressed any view on the case of the Petitioner as well as Respondent Nos.6 and 7.
  - (vii) All contentions of the parties are kept open.
  - (viii) If any of the parties is aggrieved by the order that would be passed, would be at liberty to file appropriate proceedings permissible in law.
  - (ix) Order that would be passed, shall not be implemented for two weeks from the date of communication of the order.
9. Writ Petition is disposed off in aforesaid terms. Rule is made absolute accordingly. No order as to costs.
10. Parties to act on the authenticated copy of this order.

(M. G. SEWLIKAR, J.)

(R. D. DHANUKA , J.)