

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

WRIT PETITION NO. 14389 OF 2022

Kondiba Raoji Yeole(deceased)

through legal heir

Maruti Kondiba Yeole

... Petitioner

Versus

The Deputy Collector (Rehabilitation),

Pune and Ors.

... Respondents

YUGANDHARA
SHARAD
PATIL

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YUGANDHARA
SHARAD PATIL
Date: 2022.12.07
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Ms.Kanchan Phatak i/b Mr. Nitin Desphande for the Petitioner.

Mr. A.P. Vanarase AGP for the Respondent-State.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 6th DECEMBER 2022

PC. :-

1. Rule. Learned AGP waives service for respondent-State.
2. By this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for a writ of mandamus against the respondents to decide the application dated 18th November 2020 for allotment of alternate land.
3. Ms. Kanchan Phatak, Learned counsel for the petitioner states that the application is still pending.

4. We have heard learned AGP .

5. We accordingly direct respondent no. 1 to decide the application of petitioner within eight weeks from today after grating personal hearing to the petitioner. The petitioner would be at liberty to produce the documents in support of said application before respondent no. 1 at the time of hearing. Respondent no. 1 shall consider the said application and oral arguments advanced before him by the petitioner at the time of hearing. Respondent no. 1 shall also consider whether plot/plots of land of the petitioner identified by the petitioner are available or not and if available, when the same can be availed of of subject to eligibility and availability. Order that would be passed by the respondent no. 1 shall be communicated to the petitioner within one week from the date of passing order.

6. If the application filed by the petitioner is allowed in favour of the petitioner, consequential relief as permissible in law shall be granted within four weeks thereafter. If the application filed by the petitioner is rejected by respondent no. 1 for any reason, the petitioner would be at liberty to file proceedings permissible in law. This Court has not expressed any views on merit of the application of the petitioner. All the contentions of the parties are kept open.

7. The Writ Petition is disposed off in the aforesaid terms. Rule is made absolute. No order as to costs. Parties to act on the authenticated copy of this order.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]