

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

PRACHI
PRANESH
NANDIWADEKAR

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Date: 2022.12.03
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WRIT PETITION NO.14370 OF 2022

Yesu alias Yashwant Yeole
since deceased through his Lrs.
Mahesh Ramesh Yeole

.. Petitioner

Versus

The Deputy Collector,
Rehabilitation, Pune & Ors.

.. Respondents

**ALONG WITH
WRIT PETITION NO.14381 OF 2022**

1) Nathu Sidhu Datir
since deceased through his Lrs.
1A) Gorakh Kanhu Datir

.. Petitioner

Versus

The Deputy Collector,
Rehabilitation, Pune & Ors.

.. Respondents

**ALONG WITH
WRIT PETITION NO.14387 OF 2022**

Kailas Raghunath Yeole
Versus
The Deputy Collector,
Rehabilitation, Pune & Ors.

.. Petitioner

.. Respondents

**ALONG WITH
WRIT PETITION NO.14388 OF 2022**

Bhikabai @ Bhikubai Yashwant Yeole
since deceased through his Lrs.
Arun Shashikant Yeole

.. Petitioner

Versus

The Deputy Collector,
Rehabilitation, Pune & Ors.

.. Respondents

**ALONG WITH
WRIT PETITION NO.14390 OF 2022**

Bhimabai Sakharam Bathe
since deceased through his Lrs.
Baban Sakharam Bathe .. Petitioner
Versus
The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.14391 OF 2022**

Dhondiba Hari Bathe
since deceased through his Lrs.
Rakesh Tulsidas Bathe .. Petitioner
Versus
The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.14392 OF 2022**

Yesu Subha Shelar
since deceased through his Lrs.
1) Bhivaji Maruti Sagade .. Petitioner
Versus
The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.14393 OF 2022**

Vishnu Mahadu Yeole
since deceased through Lrs
Pandurang Dinkar Salunke .. Petitioner
Versus
The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.14396 OF 2022**

Gopala Subho Shelar
since deceased through Lrs

1) Dinkar Sitaram Jadhav

.. Petitioner

Versus

The Deputy Collector,
Rehabilitation, Pune & Ors.

.. Respondents

Mr.Nitin P. Deshpande a/w Ms.Kanchan Phatak for the petitioners in all petitions.

Ms.Kavita N.Solunke, AGP for the respondents-State in Wps/14370/22, 14381/22, 14387/22 and 14388/22.

Mrs.Rupali M.Shinde, AGP for the respondents-State in Wps/14390/22 and 14391/22.

Mr.A.P. Vanarase, AGP for the respondents-State in Wps/14392/22 and 14393/22.

Mr.A.I. Patel, Addl. GP a/w Mr.S.L. Babar, AGP for the respondents-State in WP/14396/22.

**CORAM : R.D. DHANUKA &
M.M. SATHAYE, JJ.**

DATE : 1st December 2022

P.C.:-

. Rule. Learned AGP waives service for the respondents-State in all petitions. Rule is made returnable forthwith.

2. By these petitions filed under Article 226 of the Constitution of India, the petitioners had prayed for a writ of mandamus against the respondents to decide the applications described in prayer clause (A) in all the petitions for allotment of alternate land.

3. Mr.Deshpande, learned counsel for the petitioners, on instructions, states that the said applications are still pending.

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

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

6. All the writ petitions are disposed off in 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.