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

WRIT PETITION NO. 971 OF 2022

Sopan Nivruti Atkale and Ors.

... Petitioners

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. D. W. Bhosale for the Petitioners.

Mr. S. L. Babar, AGP for the Respondent Nos. 1 to 6.

**CORAM: R. D. DHANUKA AND
S. M. MODAK, JJ.**

DATE : 1st MARCH, 2022

P.C. :-

. Rule. Learned AGP waives service for the respondents. By consent of parties, petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners seek declaration that the land Gat No. 304 is acquired illegally and the said acquisition was not legal as per the provisions of the Land Acquisition Act, 1849.

3. Learned counsel for the petitioners state that the application dated 18th October, 2003 made by the petitioners under Section 48 of the Land Acquisition Act, which was initially filed before the State Government and now transferred for disposal before the respondent no.2-Commissioner is pending since then.

4. Respondent no.2 is accordingly directed to dispose of the said application within eight weeks from the date of communication of this order, without fail. The respondent no.2 shall give seven days clear notice to the petitioners for hearing. Respondent no.2 shall decide the said application after hearing the petitioners and complying with the principles of natural justice within the time prescribed. A copy of the order that would be passed shall be communicated to the petitioners within one week from the date of passing of such order. If the said order is passed against the petitioners, the petitioners would be at liberty to file appropriate proceeding. If the order is in favour of the petitioners, the consequential benefits shall be granted to the petitioners within two weeks from the date of passing of such order.

5. It is made clear that this Court has not expressed any views on the merits of the application filed by the petitioners under Section 48 of the Land Acquisition Act. All contentions of both the parties are kept open.

6. Writ Petition is disposed of in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

7. Parties to act on authenticated copy of this order.

8. Learned AGP for the State agrees to convey this order to the respondent no.2 for information and compliance.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]