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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9589 OF 2021**

Nandlal Pressuram Kukreja Petitioner.
V/s
The State of Maharashtra and Ors. Respondents.

Ms. Minal Chandnani a/w Bhavesh Sawant for the Petitioner.
Mr. A.P. Vanarase, AGP for Respondent Nos. 1 to 6.
Mr. Girish Agrawal for Respondent Nos. 7 to 9.

CORAM: NITIN W. SAMBRE, J.

DATE: AUGUST 01, 2022

P.C.:-

1] The order impugned appears to be passed in exercise of powers under Section 25 of the Displaced Persons (Compensation And Rehabilitation) Act, 1954 (hereinafter referred to for the sake of brevity as “the said Act”) which provides for power of review and amendment of orders passed by the Settlement Officer. It is claimed by the Counsel for the Petitioner that provisions of Section 25 of the said Act provides for review, provided order is passed under Section 5 and no appeal is allowed under Section 22 of the said Act. According to her, order under review which is stayed vide impugned order in the Petition is not passed under Section 5 and as such very review proceedings are not maintainable.

2] Mr. Agrawal, Counsel for Respondent Nos. 7 to 9 would support the order impugned and would urge that Petition is against the interlocutory order. As such, this Court should be slow in exercising writ jurisdiction.

3] I have appreciated aforesaid submissions.

4] Issue of jurisdiction of reviewing authority to entertain the application can, of-course, be looked into, provided such objection is raised by the Petitioner before the said authority.

5] In this back drop, this Court directs the reviewing authority to decide review proceedings expeditiously and in any case within three months from the date of production of this Order. The reviewing authority who has passed the order impugned should be sensitive to the submissions of Counsel for the Petitioner that since the order under review is not passed in exercise of powers under Section 5 of the said Act, review proceedings are not maintainable. This Court expects the reviewing authority to record the findings on the said issue.

6] Parties hereto agreed that they shall appear before the reviewing authority on 22nd August, 2022.

7] With the above observations, Petition is disposed of.

(NITIN W. SAMBRE, J.)