

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3154 OF 2019

Suresh Prahlad Patil and Ors.

...Petitioners

Vs.

The State of Maharashtra

...Respondent

Ms. Hina A. Mody for the Petitioners.

Mr. Amit Shastri, AGP for the Respondent-State.

**CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.**

DATED : 12 SEPTEMBER 2022.

P. C. :

Heard learned counsel for the parties.

2. The grievance of the Petitioners is that pursuant to the order passed in PIL directing the District Collector, Mumbai to hold an inquiry, a request of the Petitioners to permit them to participate in the inquiry has not been looked into.

3. Public Interest Litigation No.143 of 2016 was filed by the Petitioner therein contending that around 450 acres of land described

as "*Khoti Land*" is unauthorizedly encroached. By order dated 21/10/2016 the Petition was disposed of. The Division Bench opined that it was not possible to adjudicate without analysis of factual situation about the nature of land and it can be just and proper to direct the respondent authorities to consider the representation of the Petitioner and to make inquiry with respect to the factual situation.

4. Accordingly, it was directed as under:-

"For the reasons mentioned above, although the Collector, Mumbai Suburban District, is not made a party, since the concerned authority would be Mumbai Suburban District Collector and the State being a party before us, we dispose of the PIL by directing the Collector, Mumbai Suburban District to consider the representation by treating the PIL as a representation, within four months from the date of receipt of a copy of this order alongwith a copy of the PIL and all the annexures relied upon by the petitioner."

5. The Petitioners have annexed representation made to the Collector permitting the Petitioners to join in the hearing/inquiry. We do not find any decision on representation as to whether the Petitioners should be permitted to join inquiry made, if not, reasons thereof, or if they are permitted to what extent they would be permitted. The

decision as to whether the Petitioners should be given an opportunity at all to participate or if it is to be given to what extent it should be given is a matter for the Collector to decide at the first instance. Therefore, we direct that the Collector will look into the representation made by the Petitioners and if not already decided, take necessary decision at the earliest, subject to the other pressing public duties.

6. The Writ Petition is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)