

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 WRIT PETITION NO.9123 OF 2023

JAGNNATH BHANUDAS MANDE DIED THROUGH LR
JYOTI SATISH MANDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND

906 WRIT PETITION NO.9125 OF 2023

SANTOSH SAMPATLAL TODARWAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND

907 WRIT PETITION NO.9177 OF 2023

AJAY DEVIDAS NAGNE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND

908 WRIT PETITION NO.9178 OF 2023

MAHESH MURLIDHAR JAHAGIRDAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND

909 WRIT PETITION NO.9189 OF 2023

SHANTARAM NARAYAN PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND
910 WRIT PETITION NO.9199 OF 2023

VIJAY MUKUNDRAO TAKALKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND
911 WRIT PETITION NO.9246 OF 2023

ALKA SUDHAKAR JAWALKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND
912 WRIT PETITION NO.9254 OF 2023

ANITA RAJAN JOSHI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND
913 WRIT PETITION NO.9306 OF 2023

RAJABHAU RAMBHAU SHETE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND
914 WRIT PETITION NO.9310 OF 2023

ASHOK RAMESH JOSHI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

AND
915 WRIT PETITION NO.9344 OF 2023

ARUN GOVINDRAO MULAJKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS

...

Advocate for the Petitioners : Mrs.N.K.Helkute i/by Mrs.Reddy
Ranjana D. and Mrs.Sangita Desarda
AGPs for Respondents 1 to 3/State in the respective petitions:
Shri S.G. Karlekar, Shri V.M. Kagne, Shri P.K. Lakhotiya, Shri
A.V. Deshmukh and Shri S.K. Tambe
Advocate for Respondent 4 : Shri S.S. Dande

...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 24th August, 2023

Per Court :-

1. We are suo moto correcting the order dated
21.08.2023 as under:-

(a) In line No.4 in the first paragraph, after the words

“an application”, we are adding the words “within one year” prior to the words “after the expiry”.

(b) In paragraph 2, the word “access” in line No.3 shall be replaced by the word “assess”.

2. The order dated 21.08.2023 be corrected accordingly. The corrected copy be uploaded.

3. We have considered the submissions of the learned Advocates for the respective sides.

4. On 31.07.2023, we had passed the following order:-

“1. *The Petitioners in these petitions have put forth identical prayer clause (B) as under:-
“B. By issuing writ of certiorari or any other appropriate writ, order or direction, the impugned rejection letter Annexure-A passed by the respondent no. 3 dtd. 2/01/2023 may kindly be quashed and set aside with direction to Re-consider and Refer the Reference Petition to the Authority at Aurangabad.”*

2. *We have perused Section 64 and more particularly, the proviso below Sub-section 2(b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.*

3. *Issue notice to the Respondents in all these petitions, returnable on 21/08/2023. These matters would appear in the 'urgent orders' category. The learned A.G.P. waives service of notice on behalf of Respondent Nos.1 to 3. Shri. Dande, the learned Advocate waives service of notice on behalf of Respondent No.4.”*

5. On 21.08.2023, we had passed the following order:-

- “1. *The proviso below Section 64(2)(b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 indicates that the Collector can entertain an application within one year after the expiry of the period of six weeks from the date of the Collector's award, if he is satisfied that there was sufficient cause for not filing the proceedings within the period specified in the first proviso below Section 64(1). The date of the award is 30.10.2019. The Sub Divisional Officer has recorded in the impugned order dated 02.01.2023 that the Petitioner was intimated of the said award by communication/notice dated 21.01.2020.*
2. *Grounds I and III below paragraph 13, are contrary to each other. Nevertheless, we call upon the learned AGP to place the record before us to assess as to whether the notice dated 21.01.2020 was served upon the legal representative of the Petitioner(s).*
3. *Stand over to 24.08.2023 in the 'passing orders' category.”*

6. We find from the impugned order that the Sub Divisional Officer-cum- Land Acquisition Officer, Aurangabad, has tendered the copy of the impugned order to the learned Advocate for the Petitioners Smt.Ranjana D. Reddy at her residential address. We are, therefore, informed by the learned Advocate for the Petitioners that she had filed those petitions

before the Sub Divisional Officer. Her Vakilpatra was on record. She was supposed to address the Authority. However, the order has been passed without an opportunity of hearing. Since no Roznama is maintained by the Sub Divisional Officer, the Respondents are unable to state as to whether, any specific day was posted for hearing and whether, the learned Advocate was absent.

7. It is beyond debate that an opportunity of hearing should be granted and after considering the contentions of the parties, a reasoned order dealing with each of the contention, has to be passed. Since this has not happened, only for the purpose of granting an opportunity of hearing to the Petitioners in the proceedings, which have been decided by the short common order dated 02.01.2023, that we are entertaining these petitions.

8. In view of the above, **these Writ Petitions are disposed off** with the following directions:-

(a) The proceedings initiated by the Petitioners, whose numbers are mentioned in the impugned orders, shall stand restored to the office of Respondent No.3/ Sub Divisional Officer-cum- Land Acquisition Officer, Aurangabad.

(b) The learned Advocate for the Petitioners would

appear before Respondent No.3 on 25.09.2023 at 12:00 noon.

(c) The learned Advocate for the Petitioners will tender written notes of submissions in the light of the facts of each case, in all these individual cases, separately. These written notes of submissions would be tendered when she appears on 25.09.2023 before Respondent No.3.

(d) After hearing all the litigating parties/ stakeholders in the proceedings, Respondent No.3 would proceed to pass a reasoned order in each of the cases, on or before 15.12.2023.

(e) Needless to state, Respondent No.3 shall maintain the Roznama of the hearing and the learned Advocate for the Petitioners would not remain absent on 25.09.2023.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)