

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.14902 OF 2017**

**MOHAN RANGNATH TEKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr. B. G. Sagade, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, AGP for Respondents-State.
Mr. R. B. Deshpande, Advocate for Respondent Nos.6 and 8.

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**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 19th APRIL, 2023.

P.C:-

1. We have briefly considered the submissions of the learned Advocates for the respective sides. We have perused the affidavit-in-reply filed on behalf of respondent No.6. The Government Resolution dated 21/09/2012, regarding acquisition of those lands which are frequently sub-merged in the Jayakwadi project, is the basis of the grievance of the petitioners with reference to their agricultural lands being sub-merged in the backwaters of the Jayakwadi Project.

2. Considering that the petitioners can avail of the benefits of the Government Resolution dated 21/09/2012, only if found to be eligible, they pray that their representation dated 31st October, 2017 be decided by the Competent Authority.

3. There can be no dispute that, if a litigant has a right and if there is any corresponding obligation on an authority to decide the claim, a writ of mandamus can be issued.

4. In view of the above, this petition is disposed off.

5. Respondent No.6 to consider the representation of the petitioner.

6. We make it clear that we have not expressed any opinion on the merits of the petitioners' claims. They are to be considered by the Competent Authority, strictly as per the Government Resolution dated 21/09/2012.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE