

Iresh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 947 OF 2023**

Shankar Maruti Patil

....Petitioner

V/s.

The State of Maharashtra and Ors

....Respondents

Mr. G. T. Kanchanpurkar for the Petitioner

Ms. Sushma S. Bhende AGP for Respondent Nos. 1 to 5

**CORAM : R. D. DHANUKA &
GAURI GODSE, JJ.
DATED : 29 MARCH, 2023**

P.C. :-

1. Rule. Learned AGP waives service for Respondent Nos. 1 to 5. Rule is made returnable forthwith. By consent of the parties, the Petition is taken up for final disposal.

2. The grievance of the Petitioner is that representation made by the Petitioner on 14th October 2021 for allotment of alternate land is not yet decided. Hence, the Petition is filed under Article 226 of the Constitution of India for seeking a Writ of Mandamus against the Respondent Nos. 4 and 5 to allot land as prayed by the Petitioner in prayer clause (b) of the Petition and also for seeking directions against Respondent Nos. 4 and 5 to decide the Application made by the Petitioner on 14th October 2021.

3. It is the case of the Petitioner that 65% amount out of the compensation amount is already deposited by the Petitioner on 10th August 2001 and the Application for allotment of alternate land is made on 14th

October 2021. Since the Application is not yet decided, we dispose of the Writ Petition by passing the following order.

(i) Respondent No. 5 shall decide the Application filed by the Petitioner on 14th October 2021 annexed as Exhibit 'D' to the Petition within 8 weeks from the date of communication of this order.

(ii) It is made clear that we have not expressed any view on the merits of the matter and Respondent No. 5 shall decide the Application on its own merits.

(iii) If the Application is decided in favour of the Petitioner, all the consequential necessary compliances with respect to handing over of the possession, allotment of land as well as making necessary entries in the revenue record shall be made within a period of 8 weeks from today.

(iv) In the event, the decision on the Application is adverse to the Petitioner, the Petitioner will be at liberty to take out appropriate proceedings as permissible in law.

(v) Writ Petition is disposed of. Rule is made absolute in the above terms. There shall be no order as to costs.

4. Learned counsel for the Petitioner on instructions states that in view of the aforesaid order, the Petitioner will not be pressing for prayer clause (b) at this stage. Statement is accepted.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)