



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12120 OF 2023

Shetkari Sahakari Sangh Ltd. }
Kolhapur through its President of }
Non-Government Administrative }
Committee } ...Petitioner

V/s.

1. The District Collector, Kolhapur @ }
the Chairperson, District Disaster }
Management Authority, Kolhapur }
having office at Swaraj Bhavan, }
Nagala Park, Kolhapur. }
}
2. The Tahsildar, Karvir, }
Taluka-Karvir, District-Kolhapur }
}
3. Devasthan Management }
Committee }
Western Maharashtra, having office }
at 2402/2, A ward, Ubha Maruti }
Chowk, Shivaji Peth, Kolhapur, }
through its Secretary. } ... Respondents

WITH
INTERIM APPLICATION (ST) NO. 27396 OF 2023
IN
WRIT PETITION NO. 12120 OF 2023

Home Care Retail Marts (P)Ltd. ... Petitioner

V/s.

Shetkari Sahakari Sangh Ltd. ... Respondents
Kolhapur through its President

Mr. Prashant Bhavake for petitioner

Mr. V.M. Mali for respondent / State.

Mr. Shailendra Kantekar i/by Ms. Sangeeta Lanjewar for applicant/Intervenor.

Mr. Sanjiv Sawant a/w. Mr. Samir Suryawanshi and Mr Bhakhwast for respondent no. 3.

**CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ**

DATE : 7th OCTOBER 2023.

ORAL JUDGMENT : (PER SUNIL B. SHUKRE, J)

Not on board. Taken on board. Upon mentioning taken on production board.

1. Heard.
2. Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.
3. We are of the view that purpose of this petition would be served, if the impugned order of requisitioning of the property in question is modified by prescribing the date until which the order shall remain valid and also by issuing necessary directions to the authority to pay compensation in terms of section 66 of the Disaster Management Act, 2005.
4. Accordingly, we direct that the order dated 22.09.2023, slightly modified by the order dated 24.09.2023, stands further modified in terms that the requisitioning of the property in question made under order dated 22.09.2023 read with order dated 24.09.2023

shall remain in operation till 27.10.2023. Accordingly, we direct the authority constituted under section 25 of the Disaster Management Act, 2005 to modify the order dated 22.09.2023 which is slightly modified by order dated 24.09.2023 and mention therein 27th October 2023.

5. We further direct that from 12 hours mid-night between 27.10.2023 and 28.10.2023, the subject property shall be vacated and it's possession shall be handed over to the same entity from which it was taken by restoring the subject property in the same condition in which it was at the time when the possession was taken. We also direct the authority to pay compensation to the entity entitled to receive the same in law, in terms of section 66 of the Disaster Management Act, 2005. All contentions are kept open.

6. Rule is made absolute in the above terms.

7. Writ Petition is disposed of.

8. In view of the final order passed in the Writ Petition, the Interim Application does not survive and the same is disposed of accordingly.

(FIRDOSH P. POONTWALLA, J)

(SUNIL B. SHUKRE, J)