

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1974 OF 2013

Jayashri Yashwant Bapat and Ors.Petitioners

V/s.

The State of Maharashtra and Ors. ...Respondents

Mr. Rohit Joshi for Petitioners.

Ms. K.N. Solunke, AGP for State.

Mr. Sarang Aradhye for Respondent No.2.

Mr. Saurabh M. Railkar for Respondent No.8.

**CORAM : K.R. SHRIRAM &
DR. N.K. GOKHALE, JJ.
DATED : 31st AUGUST 2023**

P.C. :

1. The only prayer in the petition reads as under :

(a) That this Hon'ble Court be pleased to issue a Writ of Mandamus under Article 226 of the Constitution of India or any other appropriate Writ, Order or Direction in the nature of Writ of Mandamus thereby quashing and setting aside

(i) the Order dated 15th January 1998 passed by the Respondent No.1/State Government.

(ii) the Report dated 4th October 2012 prepared by Respondent No.5/Collector.

2. Mr. Joshi states prayer clause (a)(i) is a non issue because due to subsequent developments that has been worked out.

3. That would leave prayer (a)(ii), the report. We were unable to make out from the petition what was the problem that petitioner had with this report. Mr. Joshi submitted that due to this report the application of petitioner for grant of TDR on the subject land has been kept in abeyance.

Mr. Joshi submitted that the report was prepared following the complaint that Respondent No.8 had filed and subsequently that complaint has been withdrawn. If that was so petitioner should apply to the Collector for vacating the order of “Keeping in abeyance”.

4. Therefore, Petition dismissed.

5. Petitioner may apply to the Collector for appropriate relief and the Collector will pass appropriate orders in accordance with law after hearing petitioner and anyone else concerned. Petitioner may also apply to the Collector for altering/modifying/recalling the report dated 4th October 2012.

5. We clarify that we have not made any observations on the merits of the matter and Respondent No.5 – Collector will pass the order in accordance with law and by following principles of natural justice.

(DR. N.K. GOKHALE, J.)

(K.R. SHRIRAM, J.)