

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8013 OF 2023

Surjitsingh Prataprao Pawar & Ors.

... Petitioners

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Ketan Joshi a/w. Mr. S.S. Patwardhan for the petitioners.

Ms. Shruti D. Vyas, 'B' Panel Counsel for the State.

Mr. Pankaj Deokar for respondent no. 5.

CORAM: G. S. KULKARNI &
JITENDRA JAIN, JJ.
DATED: 5 July, 2023

P.C.

1. Heard Mr. Joshi, learned counsel for the petitioners, Ms. Shruti Vyas, learned AGP for the State and Mr. Deokar, learned counsel for respondent no. 5.
2. The only substantive prayer as made in the present petition is prayer clause (b), which reads thus:

"b) This Hon'ble Court be pleased to issue writ of certiorari and/order, direction in the nature of writ of certiorari thereby calling for record and proceedings pertaining to entries 'reserved for Project Affected Persons' in Gat No. 209/A/3, Kasaba Vadgaon, Taluka Hatkanagale, District Kolhapur, and after examining its legality, validity and propriety this Hon'ble Court be pleased to direct the respondents to delete the entries 'reserved for Project Affected Persons' from the other rights column of 7/12 extracts of lands of petitioners and also effect be taken in revenue and other records of removing the remark 'reserved for project affected persons'"

3. There is an alternative prayer as made in prayer clause (c), which reads thus:

“c) this Hon’ble Court be pleased to issue writ of mandamus or any other writ, order, direction in the nature of mandamus thereby directing the respondents to decide the application filed by the petitioners dated 07.02.2023 within the stipulated period as provided in Government Resolution dated 18.01.2022.”

4. Learned counsel for the petitioners has drawn our attention to page no. 89 of the petition, which is a representation dated 7 February, 2023 as made by the petitioners to the Deputy Collector (Resettlement), Kolhapur requesting for deletion of remarks in the 7/12 Extract.

5. From the averments as made in the petition as also seen from the grounds, the petitioners have made a grievance that such representation is not being decided.

6. In the aforesaid reasons, in our opinion, it will be appropriate that the petitioners’ application dated 7 February, 2023 be decided by the concerned authority as expeditiously as possible and in any event within 8 weeks from today. All contentions are expressly kept open.

7. Disposed of in the aforesaid terms. No costs.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)