

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3512 OF 2021

Jagu Waku Shelar ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

WITH
WRIT PETITION NO. 3513 OF 2021

Khandu Vithu Shelar (Since Deceased)
Through Legal Heirs Ananda Narayan Shelar ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

Mr. Y. B. Lengare a/w. Snehal Avhad, for Petitioners in both WPs.
Mr. A.I. Patel, Addl. G.P., for Respondent Nos.1 to 5 in both WPs.

CORAM : R.D. DHANUKA &
GAURI GODSE, JJ.

DATED : 21st March, 2023

P.C. :

. Rule. Mr. Patel, learned Addl. G.P. waives service on behalf of Respondents in both the Petitions. Rule is made returnable forthwith. By consent of the parties, the matters are taken up for final hearing.

2. In both the writ petitions, the Petitioners have challenged the allotment Order dated 11.12.2020. Apart from challenging

the allotment Order, the Petitioners are seeking direction with respect of allotment of land area on the ground that they are entitled to a larger area over and above the area which is granted to them in the allotment Order. After arguing petitions for sometime, the learned counsel for the Petitioners states that without prejudice to the rights and contentions of the Petitioners, the Petitioners are agreeable to accept possession of the land allotted pursuant to the allotment Order dated 11.12.2020 which are impugned in both the writ petitions reserving their rights to make representation for allotment of the larger area. Statement is accepted. He further states that the Petitioners would be granted liberty to make representation with respect to the contentions of the Petitioners that they are entitled to a larger area than the area already allotted to them. Hence, the following order is passed:

i] The Petitioners will be entitled to accept possession of the land which is allotted in favour of the Petitioners pursuant to the allotment Order dated 11.12.2020 without prejudice to the rights and contentions. The Respondents shall hand over possession of the land to the Petitioners pursuant to the said allotment Order within a period of six weeks from today.

ii] The Petitioners would be at liberty to make a representation for the purpose of deciding their entitlement for the larger areas over and above the areas allotted to them pursuant to the Order dated 11.12.2020. Such a representation is to be filed within a period of two weeks from today. If such representation is filed, Respondent No.3 shall decide such representation within a period of eight weeks from the date of filing of the representation on its own merits.

iii] We have not expressed any opinion on the request of the Petitioners with respect to the larger areas. All contentions of both the parties are kept open.

iv] Both the writ petitions are disposed off.

v] Rule is made absolutely in the abovesaid terms. There will be no order as to costs.

(GAURI GODSE, J.)

(R.D. DHANUKA, J.)