

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9146 OF 2022**

Smt. Babytai Vithal Bhoir & Ors

....Petitioners

V/s.

The State of Maharashtra Through GP & Anr

...Respondents

Mr. Vijay Jha i/b Law Juris for Petitioners

Mr. N. K. Rajpurohit, AGP for Respondent State.

Mr. Karan Bhosale a/w Mr. Sharaya Kate, Ms Shivangi Chandra, Ms Neha Bhosale i/b NDB Law for Respondent No.2.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL JJ
DATED : 19th JANUARY 2023**

P.C. :

1 One of the prayers in the petition is to direct respondent no.2 to consider and decide the representation dated 27th June 2022 made by petitioners within such reasonable time as this court may deem fit and proper in the facts and circumstances of the case. Petitioners have a grievance that respondent no.2 would connect electrical cable on electric tower erected / constructed on the plots which petitioners claim to have some interest. Mr. Bhosale states in law, respondent no.2 is entitled to do what it proposes to do and petitioners' can only be entitled to compensation..

2 In our view, if the representation has been made by the parties, who claim to have interest on that land, respondent no.2 should give them hearing. The petition has been lodged on or about 21st July 2022. We are surprised that though, more than 6 months have passed since the representation has been lodged with respondent no.2, respondent no.2 has not acted on the representation.

3 In the circumstances, we dispose the petition with the following directions:

(a) Respondent no.2 shall consider the representation dated 27th June 2022 made by petitioners and pass such orders on the representation on or before 6th February 2023.

(b) Before disposing the representation, respondent no.2 shall give a personal hearing to petitioners' representatives. Petitioners shall be entitled to have an Advocate to represent, if they wish to, during the personal hearing and shall form a committee of not more than three persons, who will represent all the petitioners during the hearing of the representation. While disposing the representation, respondent no.2 shall pass a reasoned order dealing with all submissions made by petitioners.

4 Mr. Bhosale on instructions states that representation will be considered and petitioners representatives will be heard by the Executive Engineer, Project Division, Kalyan, whose address is also mentioned in the cause title, at 11.00 a.m. on 30th January 2023. Petitioners, Mr. Jha states shall attend. No further notice to be issued.

5 The stay granted earlier shall continue until the disposal of the representation.

6 We clarify that we have not made any observations on the merits of the matter.

7 Petition accordingly disposed.

(RAJESH S PATIL, J.)

(K.R. SHRIRAM, J.)