

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.167 OF 2023

Vishnu Laxman Powar And Ors.

...Petitioners

Versus

State Of Maharashtra Thr. Sec. Revenue And Rehabilitation Dept. And Ors. ...Respondents

Mr.Chintamani K. Bhangoji a/w.Tanaji V. Jadhav and Jotiram Jadhav, for
Petitioners.

Ms.Kavita Solunke, AGP, for Respondent-State.

CORAM : R.D. DHANUKA &
M.M. SATHAYE, JJ.

DATED : 17th JANUARY, 2023

PC. :

1. Rule. Ms.Solunke, learned AGP waives service for Respondents. Rule is made returnable forthwith. With consent of the parties, the matter is taken up for final hearing.

2. By this petition filed under Article 226 of the Constitution of India, the Petitioners seek direction to the Respondent Nos.2 to 5 to issue notice under Section 16(2)(a) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 and to allot the alternate land within the benefited zone. Petitioners are also seeking an appropriate writ, order or direction to Respondent No.5 to forthwith decide the pending representation of the Petitioners dated 03.07.2007, 05.04.2010, 11.11.2013 and 13.04.2014 (prayer clause (C).

3. Learned counsel for the Petitioners, at this stage, is pressing prayer Clause (c) only for direction to Respondent No.5 to decide the various representation. He further seeks liberty to file one more fresh representation in connection with the pending applications. Leave is granted. The Petitioners to file such representation within one week from today. Ms.Solunke, learned AGP on instructions, from SGO, Kolhapur states that the Petitioners' representation as referred in prayer clause (c) and also representation that he will be making within one week from today, will be decided after giving hearing to the Petitioners and after considering documents produced by them in support of their case, within three months from today. Statement is accepted.

4. The order that will be passed by the Respondent No.5 will be communicated to the Petitioners within one week from the date of the decision. If the Petitioners' representation are allowed, all the consequential reliefs, as may be permitted under law, would be given to them within two weeks from the date of decision. If the Petitioners' representation are rejected, then the Petitioners would be at liberty to take appropriate proceedings, as permissible in law.

5. The writ petition is disposed off. Rule is made absolute in the aforesaid terms. No order as to costs.

6. It is made clear that this Court has not expressed any opinion on the entitlement or merits of the Petitioners' representation, and the same shall be

decided on its own merits. All contentions of the parties are kept open.

7. All concerned to act on an authenticated copy of this order.

(M.M. SATHAYE, J.)

(R.D. DHANUKA, J.)