

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

WRIT PETITION NO. 15953 OF 2022

Srihari Maruti Khamkar and Ors.

Through POA holder

... Petitioner

Versus

State of Maharashtra and others

... Respondents

Mr. Rushikesh C. Barge for the Petitioner.

Ms. M.S. Bane AGP for Respondent Nos. 1 and 2-State.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 4th JANUARY, 2023

PC. :-

1. Rule. The learned AGP waives service for respondent nos. 1 and 2. Rule made returnable forthwith. Heard finally by consent of the parties.

2. By this Petition, filed under Article 226 of the Constitution of India, the Petitioner seeks writ of mandamus against Respondent no. 2 (District Collector, Kolhapur) to hand over possession of the 2HOR land from survey no. 70/2/A/I/A/1 situated within Jaysingpur Nagarparishad as per order dated 18th December 1993, in accordance with the allotment letter to the Petitioner.

3. For the same relief, Petitioner had earlier filed Writ Petition

No. 2874 of 2021. Learned counsel for the Petitioner invited our attention to the order dated 16th July 2021, passed in the said Writ Petition. Perusal of the said order shows that in view of the submissions made in that Writ Petition, present Respondent No. 2 was directed to consider representation of the Petitioner within a period of 12 weeks from the date of passing that order and Petitioner was directed to appear before Respondent No. 2 within 4 weeks from the order passed in that Writ Petition.

4. The Petitioner has filed the present Writ Petition with a contention that the representation made by the Petitioner is not yet decided in compliance of order dated 16th July 2021. Almost one and a half year has passed since.

5. Heard learned AGP for Respondent Nos. 1 and 2. In view of the fact that despite the order of this Court dated 16th July 2021, the Authority has not decided the representation of the Petitioner, we direct Respondent no. 2 to decide the representation of the Petitioner within a period of four weeks from today without fail and to communicate the order that would be passed by Respondent No. 2 within one week from passing of the order.

6. It is made clear that if Respondent No. 2 does not decide the representation of the Petitioner within the time prescribed, as directed above, we will be constrained to initiate proceedings under the provisions of the Contempt of Courts Act, 1971 against the concerned officer of Respondent No. 2 for non compliance of order dated 16th July 2021 and also this order.

7. Respondents are directed to communicate to the Petitioner within one week from today if any documents are required for deciding such representation. Petitioner to submit the documents within three days of such communication.

8. With the aforesaid directions and observations, the Writ Petition is disposed of. Rule is made absolute in above terms.

9. Place the matter for compliance on 15th February 2022.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]