

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

WRIT PETITION NO. 615 OF 2022

VISHAL
SUBHASH
PAREKAR

Gopalkrushna Sitaram Shelar and Others

...Petitioners

vs.

State of Maharashtra and Others

...Respondents

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VISHAL SUBHASH
PAREKAR
Date: 2023.03.31
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Mr. Nikhil Waje a/w. Mr. V. Shrivastav, for the Petitioners.

Mr. S.D. Rayrikar, AGP for the State.

Mr. Laxman Deshmukh, for Respondent Nos. 3 to 9.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 31, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 24th August, 2021 passed by the Sub Divisional Officer and Competent Authority under section 20H(3) of the Railways Act, 1989.
3. The principal ground of challenge is that of not providing an effective opportunity of hearing to the petitioners.
4. In view of the aforesaid challenge, with the consent of the counsel for the parties, the impugned order stands quashed and set aside.
5. The application preferred by the respondent Nos. 3 to 9 is restored to the file of Sub Divisional Officer and Competent Authority for a fresh determination after providing an effective opportunity of hearing to the parties, as expeditiously as possible

and preferably within a period of eight weeks from the date of appearance of the parties.

6. The parties shall appear before the Competent Authority on 17th April, 2023.

7. It is hereby made clear that the Court has not entered into the merits of the matter and all contentions of the parties are kept open for consideration by the Competent Authority.

8. Petition disposed.

(N. J. JAMADAR, J.)