

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

WRIT PETITION NO.15306 OF 2022

Shivaji Thakaji Fadale

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

YUGANDHARA
SHARAD
PATIL

Ms. Aditi S. Naikare for the Petitioner.

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

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by
YUGANDHARA
SHARAD PATIL
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**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 9th FEBRUARY, 2023

PC. :-

1. Rule. The learned AGP waives service for Respondent Nos. 1 to 3. Rule made returnable forthwith. Heard finally by consent of the parties.

2. At the outset, learned counsel for the Petitioner submits that for time being she is pressing only prayer clause (c) by which Petitioner seeks a writ of mandamus directing Respondent No. 2 to hear and decide Petitioner's Application dated 15th April 2013 alongwith representation dated 1st July 2022 submitted by the Petitioner. It is case of the Petitioner that Petitioner's Application

and representation are pending for allotment of land as project affected person of Chaskaman project, before the concerned authority i.e. The District Resettlement Officer, Pune (Respondent No. 2).

3. Heard learned AGP for the Respondent. She submits that if sufficient time is given, Petitioner's Application will be decided in accordance with law. She urges that issue of Petitioner's eligibility be kept open.

4. Considering the fact that Petitioner's Application is pending for a long time i.e. since April 2013, we pass following order.

ORDER

(a) Petitioner is directed to appear before Respondent No. 2 i.e. District Resettlement Officer, Pune, on 28th February 2023 at 11.00 a.m. Petitioner will be at liberty to submit documents, if any, in support of his case.

(b) Respondent No. 2 i.e. District Resettlement Officer, Pune, is directed to give personal hearing to the Petitioner and pass appropriate order after considering the documents, in accordance with law within eight weeks from 28th February

2023. Issue of Petitioner's eligibility is kept open to be decided by Respondent No. 2.

(c) The order that would be passed by Respondent No. 2 shall be communicated to the Petitioner within one week from the date of passing of such order.

(d) It is clarified that this Court has not expressed any opinion on merits of Petitioner's Application, including eligibility of the Petitioner. Respondent No. 2 will decide the Application of Petitioner along-with issue of eligibility.

(e) If the Application filed by Petitioner is decided in his favour, then consequential benefits shall be given to the Petitioner within four weeks from the date of passing such order. If the Petitioner's Application is rejected, Petitioner will be at liberty to file appropriate proceedings in accordance with law.

(f) Writ Petition is allowed and Rule is made absolute in the aforesaid terms. No order as to costs.

(g) All concerned to act on an authenticated copy of this order.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]