

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.440 OF 2023

ANJALI
TUSHAR
ASWALE

Digitally signed by
ANJALI TUSHAR
ASWALE
Date: 2023.01.20
10:49:07 +0530

Maruti Babaji Gosavi & Ors.

.. Petitioners

Vs.

Collector, Kolhapur District,
Kolhapur & Ors.

.. Respondents

Pradeep D. Dalvi for the Petitioners.

V. S. Gokhale, B Panel Counsel, for the State-Respondent Nos. 1 to 3.

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

DATE :- **JANUARY 17, 2023.**

P. C.:

1. Rule. Rule made returnable forthwith. Mr. Gokhale, Learned A. G. P. for the State waives service for the Respondents. Heard finally by consent of the parties.

2. This Petition is filed under Article 226 of the Constitution of India seeking direction to Respondent Nos.1 and 2 to decide the Demand Applications of the Petitioners dated 6th October, 2022, which are annexed to the Petition, for allotment of alternate suitable land to the Petitioners in the facts and circumstances narrated in the Petition.

3 Heard learned A.G.P. Mr.Gokhale for the Respondents. Mr. Gokhale submits that if sufficient time is granted, the application of the Petitioners for allotment of the suitable land/s, can be considered and appropriate orders can be passed in time bound manner.

4 In that view of the matter, we pass following order :-

(i) Petitioners are directed to appear before Respondent No.2 - Dy. Collector (Rehabilitation), Kolhapur, on 30th January, 2023 at 11.00 am, with the copy of this Petition. If any further documents are required from the Petitioners, Respondent No.2 to inform the Petitioners accordingly, within one week from 30.01.2023. The Petitioners will be at liberty to submit those documents.

(ii) Respondent No.2 is directed to consider Petitioners' applications alongwith documents placed on record and also consider whether the Petitioners are eligible for allotment of suitable land/s as claimed by them and to pass appropriate order in accordance with law, within 6 months from today. Respondent No. 2 to communicate order that would be passed, to the Petitioner, within 1 week from the date of the decision.

(iii) If the Petitioners' application is granted, then the

consequential orders be passed within 3 weeks from the date of decision. If the Petitioners' application is rejected, the Petitioners would be at liberty to file appropriate proceedings as permitted under law.

(vi) It is clarified that this Court has not expressed any opinion about merits of the Petitioners' claim to the suitable land/s, including their eligibility and the same be decided on its own merits in accordance with law.

5 The Writ Petition is disposed of accordingly. Rule is made absolute in the above terms. No order as to costs.

(M. M. SATHAYE, J.)

(R. D. DHANUKA, J.)