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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13086 OF 2023

Sundarabai Narhari Gundal, Deceased
through LHR Suryakant Manohar
Gundal And Ors.

.. Petitioners

v/s.

Deputy Collector, Rehabilitation,
Pune And Ors.

.. Respondents

....

Mr. Nitin P. Deshpande, for the Petitioners.

Ms. P.J. Gavhane, AGP, for State.

....

CORAM: G.S. KULKARNI &
JITENDRA JAIN, JJ.

DATE : 18th OCTOBER, 2023

P.C:-

Not on board. Taken on board.

2. The present proceedings under Article 227 of the Constitution of India challenges the order dated 9th August 2023 passed by Shri. Ajay More, Additional Collector, Rehabilitation, Pune. The case of the Petitioner is that Petitioner No.1 was allotted alternate land as the project affected person of the Chaskaman Irrigation Project.

Such allotment was made on 27th June 2023. After allotment of such land, on 11th October 2023, Petitioner No.1 sold the land to Petitioner Nos. 2, 3 and 4 by a registered sale deed. However, it appears that the Additional Collector, without any opportunity of a hearing to the original allottee/Petitioner No.1 and the purchasers/Petitioner Nos. 2 to 4, has passed the impugned order cancelling the allotment.

3. The contention is that such order could not have been passed without notice to the Petitioners as also an opportunity of being heard to the Petitioners as the rights of the Petitioners in respect of the said land are being taken away without following due process of law.

4. We find much substance in the contentions as urged on behalf of the Petitioners. The impugned order is passed in breach of principles of natural justice, hence, there is no alternative but to set aside the impugned order dated 9th August 2023 and remand the proceedings to the Additional Collector for a fresh procedure to be adopted and after hearing the Petitioners and pass an appropriate order afresh as may be permissible in law.

5. Let a fresh notice be issued within two weeks from the date of uploading the present order. The Petitioners be heard and appropriate order be passed within eight weeks from the issuance of the notice. All contentions of the parties are expressly kept open.

6. Petition disposed of in the above terms. No costs.

(JITENDRA JAIN, J.)

(G.S. KULKARNI, J.)