

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

WRIT PETITION NO. 15981 OF 2022

Late Maruti Ramji Nigade
Through LR's
Shri. Dattatray Nivrutti Nigade ..Petitioner

V/s.

State of Maharashtra & Ors. ..Respondents

Mr. Sumit V.Khaire for the Petitioner.

Mr. A.I.Patel Addl.G.P a/w. Mrs.M.S.Bane AGP for State/
Respondent No.1 to 3 .

**CORAM : R.D.DHANUKA, AND
GAURI GODSE, JJ.**

DATE : 13 MARCH 2023

P.C.

. Rule. Learned counsel for Respondent No.1 to 3 waives service. Rule is made returnable forthwith.

2. By this petition, filed under Article 226 of Constitution of India, Petitioner seeks Writ of Mandamus, for an order and direction against the Respondent No.2 to decide an application dated 20/10/2022 filed by the Petitioner for allotment of land under the Maharashtra Resettlement of Project Affected Person Act, 1999.

3. Learned Addl. GP has placed on record letter dated 09/03/2023 by which the Petitioner is directed to comply with certain conditions on scrutinizing his application for the purpose for allotment of land. Learned counsel for the Petitioner states that all the requisitions as stated in letter dated 09/03/2023 will be complied with within a period of one week from today. After the compliance is done by the Petitioner as per letter dated 09/03/2023, the Respondent No.2 shall decide the application within a period of four weeks thereafter.

4. If on decision of the said application the Petitioner is found eligible for the allotment of plot, procedure for allotment of plot as well as handing over of the said plot shall be completed within a period of eight weeks, subject to compliance and conditions of allotment. In the event, the decision on the application is adverse to the Petitioner, it would be open to the Petitioner to adopt proper legal remedy permissible in law.

5. It is made clear that we have not expressed any view on the merits and claim made by the Petitioner and all the

contentions of the parties are kept open. Hence, following order is passed:

Order

1. Writ Petition is allowed in abovesaid terms.
2. Rule is made absolute.
3. No order is costs.
4. Parties to act on authenticated copy of this order.

GAURI GODSE, J.

R.D.DHANUKA, J.