

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

WRIT PETITION NO.15850 OF 2022

Late Babu Krishna Nagargoje

through L.R's

Pralhad Tukaram Nagargoje

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mr. Sumit V. Khaire for the Petitioner.

Mr. A.I. Patel Addl. GP a/w Ms. M.S. Bane, AGP for the Respondent-State.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 30th JANUARY 2023

PC. :-

1. Rule. Learned AGP for State waives service for Respondents.

Rule made returnable forthwith. Heard finally by consent of the parties.

2. By this Petition filed under Article 226 of the Constitution of India, the Petitioner seeks a writ of mandamus directing Respondent No. 2 to decide Petitioner's Application dated 20th October 2022 for allotment of land on the ground that Petitioner is a project affected person. Learned counsel for the Petitioner makes a statement that

the said Application is pending as on today. Statement is accepted.

3. Heard learned AGP for Respondent-State. In the facts and circumstances of the case, we pass the following order.

ORDER

(a) Petitioner to appear before Respondent No. 2 on 13th February 2023 at 11.00 a.m. Petitioner is at liberty to submit documents, if any, in support of his case. Respondent No. 2 is directed to give personal hearing to the Petitioner and pass an order after considering the documents in accordance with law within six months from today.

(b) 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.

(c) It is clarified that we have not expressed any view on merits of Petitioner's Application, including eligibility of the Petitioner.

(d) If the application filed by the Petitioner is allowed, then consequential benefits shall be given to the Petitioner within eight weeks from the date of passing such order. If any

adverse order is passed against the Petitioner, Petitioner is at liberty to file appropriate proceedings as permissible in law.

(e) Writ Petition is disposed of. Rule is made absolute in the aforesaid terms. No order as to costs.

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

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]