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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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ANANDRAO IDHOL
Date: 2023.04.06
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WRIT PETITION NO.15302 OF 2022

Digamber G. Jadhav

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr.S.M. Suryawanshi with Ms.Bhakti Wast for the Petitioner.

Ms.M.S. Bane, AGP for the State – Respondent Nos.1 to 5.

CORAM : R.D. DHANUKA &
GAURI GODSE, JJ.
DATE : 3RD APRIL, 2023.

P.C. :-

1. Learned advocate for the Petitioner states that the Respondent Nos.6 to 8 are formal parties. Hence he seeks leave to delete the names of the Respondent Nos.6 to 8. Leave granted as prayed. Amendment shall be carried out forthwith for deletion of the names of the Respondent Nos.6 to 8.
2. Rule. Rule is made returnable forthwith. Ms.Bane, learned AGP waives service for the Respondent Nos.1 to 5. The Petition is taken up for hearing and final disposal.
3. The Writ Petition is filed for seeking directions for deciding

the representation made by the Petitioner on 3 November, 2022. It is the contention of the Petitioner that pursuant to the order dated 26 December, 2014 passed by the Respondent No.2, an enquiry under Section 12 of the Maharashtra Resettlement of Project Displaced Persons Act, 1976 is not made by the Respondent No.3. Hence, the Petitioner has filed the representation on 3 November, 2022, requesting the Respondent No.3 to make an enquiry as per the order passed by the Respondent No.2. Learned advocate for the Petitioner states that the representation filed on 3 November, 2022 is not yet decided. Statement made on behalf of the Petitioner is accepted.

4. In view of the limited prayer sought for by the Petitioner, the Writ Petition is disposed off by passing the following order :-

- a). The Respondent No.3 to decide the representation dated 3 November, 2022 filed on 7 November, 2022 within a period of eight weeks from today, if not yet decided, after giving hearing to the Petitioner.
- b). A copy of the decision taken by the Respondent No.3 shall be communicated to the Petitioner within two weeks from the date of decision.
- c). In the event of the decision taken by the Respondent No.3 is adverse to the Petitioner, in that event the Petitioner would be at liberty to adopt appropriate proceedings as per permissible in law.

d). It is made clear that we have not expressed any view on merits of the representation made by the Petitioner. The Respondent No.3 to decide the representation on its own merits.

e). All contentions of both the parties are kept open.

f). In the event of the representation made by the Petitioner is allowed in favour of the Petitioner, all consequential compliances shall be made within four weeks from the date of decision.

5. The Writ Petition is disposed of. Rule is made absolute in aforesaid terms. There shall be no order as to costs.

(GAURI GODSE, J.)

(R.D. DHANUKA, J.)