

PVR

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

WRIT PETITION NO. 782 OF 2024

Shri Shankar Govind Patil (decd.) through Lrs ...Petitioner
Versus
State of Maharashtra & Anr. ...Respondents

**AND
WRIT PETITION NO. 784 OF 2024**

Shri Ganu Govind Patil (decd.) through Lrs ...Petitioner
Versus
State of Maharashtra & Anr. ...Respondents

**AND
WRIT PETITION NO. 788 OF 2024**

Shri Keshav Govind Patil (decd.) through Lrs ...Petitioner
Versus
State of Maharashtra & Anr. ...Respondents

Mr. Tanaji Mhatugade for Petitioner.
Ms. S.D. Vyas, Addl. GP with Ms. P.J. Gavhane, AGP for State in WP No.782/24.
Ms. P.J. Gavhane, AGP for State in WP No.784/24.
Mr. Rajan Pawar, AGP for State in WP No.786/24.

**CORAM : G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATE : JANUARY 18, 2024.**

P.C.:

1. The petitioners earlier had approached this Court in Writ Petition No. 1486 of 2022 (Keshav Govind Patil Vs. State of Maharashtra & Anr.), Writ Petition No.1482 of 2022 (Shri.Shankar Govind Patil Vs. State of

Maharashtra & Anr.), Writ Petition No.1483 of 2022 (Shri. Ganu Govind Patil Vs. State of Maharashtra). The said petitions were disposed of in terms of order dated 19 July 2023 annexed to these petitions. The petitions were disposed of in terms of the following observations and orders:-

I Orders on Writ Petition No.1486 of 2022 (Keshav Govind Patil Vs. State of Maharashtra & Anr.)

6. On such limited grounds, we are of the opinion that the impugned order would be required to be quashed and set aside, as the same has been passed without application of mind. However, this shall be subject to appropriate orders which may be passed in the pending proceedings of Writ Petition No.5653 of 2014.

7. In the above circumstances, we dispose of the petition by the following order:

- (i) Impugned order dated 20 February 2017 is quashed and set aside.
- (ii) The Additional Collector is directed to reconsider the petitioners application and decide the same afresh within a period of 4 weeks from today and pass appropriate order in accordance with law.
- (iii) All contentions of the parties in that regard are expressly kept open.”

II Order on Writ Petition Nos.1482 of 2022 (Shankar Govind Patil Vs. State of Maharashtra and 1483 of 2022 (Ganu Govind Patil Vs. State of Maharashtra)

“10. We have heard learned Counsel for the parties. We have also perused the record of both these petitions. In our opinion, subject to the orders which may be passed by this Court in Writ Petition No.5653 of 2014, the application as made by the petitioner for allotment of balance land be considered by the respondents strictly in accordance with law including deciding the eligibility of the petitioner in passing appropriate orders in accordance with law.”

2. In pursuance of the aforesaid order, the impugned orders dated 27 October 2023 has been passed whereby the representations of the

petitioners for allotment of the land Gat No.160 situated at Village Uchgaon, Taluka Karveer, District Kolhapur has been rejected, although noting that Writ Petition No.5653 of 2014 is pending before this Court. It was expected that the Additional Collector, Kolhapur would pass an order subject to the outcome of the said proceedings.

3. In the meantime, it has so transpired that the petitioners have intervened in the proceedings of Writ Petition No.5653 of 2014 by filing Interim Application No. 13435 of 2023 (Exhibit G) and Interim Application No. 14177 of 2023 which has been allowed by an order dated 19 August 2023 passed by the co-ordinate Bench of this Court. However, Writ Petition No.5653 of 2014 as on date is pending adjudication.

4. In the aforesaid circumstances, we had suggested that the Additional Collector considers the aforesaid situation and the purport of our order dated 19 July 2023 passed on the earlier petitions filed by the petitioners.

5. The learned AGP representing the State Government, on instructions, states that the Additional Collector in such circumstances can pass a fresh order. We are of the opinion that in the peculiar facts, further adjudication of the petitions is not called for, as even otherwise, considering the nature of the order, there could not have been an alternative but to set aside the said orders and remand the matter back to

the Additional Collector for a fresh order to be passed considering the orders passed by this Court dated 19 July 2023 in Writ Petition Nos. 1486 of 2022, 1482 of 2022 and 1483 of 2022 (supra).

6. In the aforesaid circumstances, the writ petitions are disposed of by the following order:-

ORDER

- (i) The impugned order dated 27 October 2023 is quashed and set aside.
- (ii) The proceedings are remanded back to the Additional Collector for a fresh order to be passed in view of what has been observed in our order dated 19 July 2023 passed on Writ Petition(s) 1486 of 2022, 1482 of 2022 and 1483 of 2022 (supra) which be passed by the Additional Collector, in accordance with law within six weeks of the adjudication of Writ Petition No.5653 of 2014 and subject to its outcome.
- (iii) All contentions of the parties in that regard are expressly kept open.

7. Petitions are accordingly disposed of. No costs.

[FIRDOSH P. POONIWALLA, J.]

[G. S. KULKARNI, J.]