

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7113 OF 2022

Sanjay Anaji Alias AnandaJadhav ... Petitioner

Versus

Collector and Deputy Director for Rehabilitation, ... Respondents
Kolhapur District & Ors.

Mr. Pradeep D. Dalvi a/w Ms. Priya Dalvi, for the Petitioner.
Mr. Sachin Kankal, AGP for State.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 12 January, 2024

P.C.

1. We had heard this petition yesterday for sometime. It was adjourned to enable Mr. Kankal to take instructions in regard to the nature of the impugned order as passed by the Deputy Collector (Rehabilitation) Kolhapur. The impugned order was challenged on the ground that the land admeasuring 81Are in Gat No. 392 B at village Khochi is being taken away from the petitioner on the ground that the petitioner was already allotted the land in Udgaon admeasuring 81Are in Gat No.294. The case of the petitioner is that the impugned order is passed without application of mind inasmuch as, the land at Udgaon was never allotted to the petitioner. We find much substance in the contentions as urged on behalf of the petitioner. It *prima facie* appears that the order is passed without application of mind.

2. Mr. Kankal has instructions that the concerned officer will pass a fresh appropriate order taking into consideration all materials which are available on the record of the Government as also which may be called upon to be furnished by the petitioner.
3. In the aforesaid circumstances, we are of the opinion that it is in the interest of justice that the petition be allowed. It is accordingly allowed by setting aside the impugned order dated 26 May 2022 (Exhibit A page 15) with a further direction that in the event the Deputy Collector (Rehabilitation) intends to pass a fresh appropriate order, a notice be issued to the petitioner and after considering all materials, pass an order in accordance with law.
4. All contentions of the parties are expressly kept open.
5. Disposed of in the above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)