

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9844 OF 2024

Sanjaykumar Vasantrya Dorge

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Sumit V. Khaire, for Petitioner.

Ms. S. S. Bhende, AGP for State.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.
DATED: 25 July 2024

P.C.

1. We have heard Mr. Khaire, learned counsel for the petitioner and Ms. Bhende, learned AGP for state.
2. The only substantive prayers as made in the petition are prayer clause (a) & (b) which reads thus:

“a) This Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate Writ, Order or direction to Respondents to decide the application dated 21/07-2023 filed by the Petitioner.

b) This Hon’ble Court be pleased to issue a writ of Mandamus or any other appropriate Writ, Order or direction to Respondents to remove entry of the Resettlement for Project Affected Person recorded on 7/12 extract in ownership column of the Land Old Gat No.207/2 New Gat No.510/2 area admeasuring 00 H 80R & Old Gat No.221/2 New Gat No.544/2 area admeasuring 00 H 80 R, situated at Village Yawat Sation, Tal-Daund, Dist-Pune.”

3. Considering the nature of the prayers, the case of the petitioner is to the effect that no award has been passed and despite which a mutation entry in regard to the petitioner's land has been carried out by inserting the name of the State Government. In our opinion, it is appropriate that the petitioner's prayer in regard to the application as made by him for restoration of the mutation entry for removal of the Government's name needs to be considered and decided as expeditiously as possible.

4. Let the Competent Officer decide the said application of the petitioner seeking deletion of the State Government's name in the revenue record in respect of the land in question (Land Old Gat No.207/2 New Gat No.510/2 area admeasuring 00 H 80R & Old Gat No.221/2 New Gat No.544/2 area admeasuring 00 H 80 R, situated at Village Yawat Sation, Tal-Daund, Dist-Pune") within a period of three weeks from today. The petitioner is directed to appear before the said Officer on **2 August 2024** at 11.00 a.m.

5. Needless to observe that till such application is decided, and if it is correct that there is no award passed in respect of petitioner's land, the petitioner would also be entitled for the protection that no coercive action be taken in respect of the possession of the petitioner's land, if the petitioner is in possession of the land in question.

6. Ordered accordingly.

7. The petitioner is free to make any fresh application, if he so desires which be made by Monday.
8. All contentions of the parties are expressly kept open.
9. We dispose of the petition in terms of our aforesaid directions. No Costs.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)