

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 126 OF 2024

Shri. Ramvilas Singeshwar Ray	...Petitioner
Versus	
Sub Divisional Officer Cum Managing Officer	...Respondent

Mr. Girish Agrawal a/w Naiana P. Soraste, for the Petitioner.
Mr. M.M. Pabale, AGP for Respondent – State.

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**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 20 JANUARY 2025

P.C.:

1. We have heard Mr. Girish Agarwal, counsel for the petitioner and Mr. Pable, learned AGP for the State.

2. This petition under Article 226 of the Constitution of India is filed praying for the following relief :-

“(b) Hon'ble Court be pleased to issue writ of mandamus directing the Respondent to issue Conveyance Deed as per order dated 16/12/2021 passed in Revision Petition No.52/2020 by Authorised Chief Settlement Commissioner, Evacuee Property, Maharashtra State, Mumbai within a period of two weeks.”

3. Reply affidavit on behalf of the State Government is filed by Mr. Vijayanand Sharma, Sub Divisional Officer, Ulhasnagar Division. The affidavit in paragraphs 2 to 7 in regard to the decision to be taken has makes the following averments:-

- “2. I say that Petitioner has filed the petition for execution of order dated 16/12/2021 passed by Authorised chief settlement commissioner in respect of revision petition no 52 of 2020.
3. I say and submit that as per the documents available in the office of the Sub Divisional Office, there was an objection filed by the Public works department that the suit property is in their possession and also have relevant documents of possession and ownership.
4. I say and submit that just to clarify the objection raised by public works department hearing was conducted on 6th June 2024 where city survey department was also summoned and city survey department was directed to provide clarification in respect of documents provided by P.W.D department and actual site position of the suit property as well as P.W.D property. **Copy of roznama is attached as exhibit A.**
5. I say and submit that for clarification of actual position of petitioner's suit property and public works department property, Report was filed by city survey department on 10th June and the hearing was closed and matter kept for Order. **Copy of report filed by city survey department is attached as exhibit B.**
6. I say that the petitioner and P.W.D. Department have submitted their documents at the time of hearing and the same shall be verify and after verification of documents I shall pass appropriate Order and as well as take the appropriate action accordance with law.
7. In view of the above facts and circumstances this Hon'ble Court may kindly pass an appropriate order and dispose of the above writ petition.”

4. Copy of the said roznama dated 10 June 2020 is annexed which records that on behalf of the petitioner the Advocate was present as also Junior Engineer on behalf of PWD also was present. He had made submissions as also filed written submissions and documents. Further, even the City Survey Officer has submitted documents and was heard and that accordingly the hearing on the proceeding was closed. However, despite almost more than six months having expired no orders have been passed.

5. In the aforesaid circumstances, we dispose of this petition directing respondent no.1 to pronounce orders on the proceedings which were closed for hearing on 10 June 2024, within a period of two weeks from the date on which copy of this order is presented before him.

6. All contentions on any order which may be passed are expressly kept open. Disposed of on the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]