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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5421 OF 2024

Sunil Baran Roy

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Vaibhav V. Chaudhari a/w Mr. Prashant Kulkarni, for the Petitioner.

Ms. Savita A. Prabhune, AGP, for the Respondent- State.

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

DATE : 28 APRIL 2025

P.C.:

1. This petition is filed under Article 226 of the Constitution of India prays for the only substantive relief which reads thus:-

“a) that this Hon'ble Court may be pleased to issue appropriate Writ and/or direction and/or order under Article 226 of the Constitution of India and to direct Respondent No. 3 to decide Revision filed by the petitioner expeditiously.”

2. The petitioner claims to be a displaced person under the provisions of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (*“Displaced Persons Act”*), who hails from Pakistan and subsequently settled in Ulhasnagar since the year 1950. He claims to be the owner of certain vacant lands as described in the petition along with hutment constructed thereon. Such property is held by him jointly with his parents.

3. The petitioner had made an application to the Managing Officer and Administrator, Ulhasnagar township for a No Objection Certificate (“*NOC*”) in respect of the water, electricity connection for the said land. It is the petitioner’s case that the petitioner has paid the legal charges in respect of obtaining a NOC for such electricity and water connection to the respondent authorities. The petitioner had also applied for a demarcation plan for the entire land with the Assistant Administrator, Ulhasnagar for which a certificate was issued in favour of the petitioner.

4. The petitioner on 23 February 1981 applied to the then Revenue Minister, State Government for issuance of a conveyance deed in favour of the said land and for regularisation of the unauthorised construction thereon. The petitioner also claims that he made an application dated 29 December 2018 for obtaining conveyance deed /sanad with the Sub-Divisional Officer, Ulhasnagar – 3. To such application, the Sub-Divisional Officer, Ulhasnagar addressed a letter dated 17 January 2019 intimating the petitioner that the petitioner is required to file an appropriate petition before the Settlement Officer, Mumbai under the provisions of the Displaced Persons Act.

5. Pursuant to the above, the petitioner filed a Revision Application before the Chief Settlement Officer, which was then disposed of for non-compliance of certain technical requirements/office objections.

6. Accordingly, the Petitioner on 15 May 2023 filed a fresh application with the Managing Officer/Sub-Divisional Officer, Ulhasnagar. The Managing Officer/SDO, Ulhasnagar rejected the said application of the petitioner by an order dated 8 June 2023 (“*Impugned Order*”).

7. Aggrieved by the impugned order rejection, the petitioner preferred a revision application under Section 24 of the Displaced Persons Rehabilitation Act, before the respondent no.3 – Chief Settlement Commissioner.

8. It is the petitioner’s case that such revision application of the petitioner before the competent authority under the Displaced Persons Act, is long pending since July 2023.

9. The petitioner has in the aforesaid backdrop approached this Court. We have heard the learned counsel for the parties. Though there is no written opposition/reply of the respondents, the order that we propose to pass in this proceeding would cause no prejudice to them.

10. We are in agreement with the petitioner that the revision petition of the petitioner under Section 24 of the Displaced Persons Act is pending with the respondent no.3, which ought to be decided. In this view of the matter, we pass the following order which would in our view, shall meet the ends of justice :-

ORDER

- (i) Respondent No.3 i.e. the Chief Settlement Commissioner, Mumbai is hereby directed to hear the petitioner on its revision application dated 7 July 2023 and after such hearing decide such revision application in accordance with law as expeditiously as possible, not later than within a period of three months from the date this order is presented to the respondent no.3 by the petitioner.
- (ii) All rights and contentions of the parties are expressly kept open.
- (iii) Writ Petition is disposed of in the above terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]