

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1994 OF 2025

Jayant Kisanrao Virole

.. Petitioner

Versus

State of Maharashtra and Ors.

.. Respondents

-
- Mr. Sumit V. Khaire, Advocate for Petitioner.
 - Ms. Savina R. Crasto, AGP for Respondents – State.
-

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 24, 2025.

P.C.:

1. Heard Mr. Khaire, learned Advocate for Petitioner and Ms. Crasto, learned AGP for Respondents – State.

2. On 17.11.2025, the following order was passed by this Court:-

“1. Heard Mr. Khaire, learned Advocate for Petitioner and Ms. Crasto, learned AGP for Respondents.

2. Respondents have not heard the grievances of Petitioner has passed the impugned order affecting substantive right of Petitioner.

3. Learned AGP appearing on behalf of Respondents and its functionaries who are all arrayed as parties to the Petition are directed to apprise the Court as to whether Petitioner was heard by District Resettlement Officer before passing the impugned order.

4. If the answer to the same is in negative, this Court shall pass appropriate orders for hearing the grievance of the Petitioner.

5. Learned Advocate for Petitioner informs the Court that notices were not issued before passing the impugned order.

6. *Learned AGP may take appropriate instructions and apprise the Court on the next adjourned date.*

7. *Stand over to 24th November, 2025. To be placed under the caption 'For Orders'."*

3. Ms. Crasto, learned AGP after taking instructions from the office of the District Re-settlement Officer informs the Court across the bar, in the present case no notices were issued to Petitioner before passing the impugned order. Fairness of the learned AGP is appreciated by the Court. In that view of the matter, the impugned order is not sustainable and is set aside forthwith.

4. Needless to state that if the District Re-settlement Officer desires to pass any order against the Petitioner in respect of any issue, *inter alia*, pertaining to acquisition or re-settlement of land pertaining to Petitioner, he shall give an appropriate notice to Petitioner and delineate the cause of action in the said notice.

5. If the District Re-settlement Officer refers to and relies upon any material, he shall furnish a copy of the same to the Petitioner.

6. Pursuant to the notice, Petitioner shall be entitled to file Affidavit-in-Reply / Affidavit to the notice which shall be taken on record by the District Re-settlement Officer and an opportunity of hearing is given to Petitioner or his pleader on an appointed date. Only thereafter a reasoned and speaking order shall be passed. In the event if the reasoned and speaking order passed is adverse to the

Petitioner, he may file Application / Appeal against the said order within a period of 15 days from the date of passing of order before the Appellate Authority in accordance with law, though Mr. Khaire, learned Advocate for Petitioner informs the Court that the action by the District Re-settlement Officer is *suo motu* initiated by him.

7. All questions of Petitioner are expressly kept open without giving any imprimatur on the action of the Statutory Officer.

8. With the above directions and the impugned order having been set aside, Writ Petition is allowed.

9. Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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