

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9372 OF 2025

Late Ramu Laxman Pawade through Legal Heirs
Vasant Ramu Pawade, Age 54 years, Occ.Agric.
R/o.At Wada, Tal.Khed, District Pune.

Petitioner

Versus

1. The State of Maharashtra
2. The Collector, Pune
3. The District Re-settlement Officer, Pune
4. The Additional Collector, Pune
5. The Divisional Commissioner, Pune Division

Respondents

Mr.Sumit V.Khaire, Advocate for Petitioner.

Mr.Y.Dpatil, AGP for Respondents State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 30th September 2025

P.C.

1. This petition is filed under Article 226 of the Constitution of India
praying for following substantive reliefs, which read thus :

- a. This Hon'ble Court be pleased to issue Writ of certiorari or an appropriate Writ, Order or direction to quash and set aside the order dated 26-6-2025 passed by the Respondent no.4;
- b. Pending hearing & final disposal of the present Writ Petition, order dated 26-6-2025 passed by the Respondent No.4 may kindly be stayed;
- c. Ad-interim relief in terms of prayer clause (b) may kindly be granted;
- d. Any other just and equitable orders in the interest of justice in the facts and circumstances of the case may be granted."

2. The Petitioner is primarily aggrieved inasmuch as Respondent no.4 has
passed an order dated 26th June 2025 without hearing the Petitioner and without

considering the provisions of law applicable in the case of Petitioner and thereby cancelled the allotment order dated 30th June 2023 whereby Respondent no.4 allotted Gat No516/2 admeasuring 00 H 80 R situated at Nimgaon, gat No.335/9/B admeasuring 00 H 25 R and Gat No.335/4/B admeasuring 00H 15 R situated at Village Dawadi, Tal.Khed, District Pune in favour of the Petitioner.

3. It is the Petitioner's contention that his land was acquired for construction of dam as per the provisions of Section 17, Part-1 of Schedule-B of the Maharashtra Resettlement of Project Displaced Persons Act, 1976. The Petitioner further submits that though the Respondent no.4 had earlier passed an order dated 30th June 2023 allotting the aforesaid land as mentioned in para 2 above, however, on a complaint made by one Babanrao Namdeo Khese on 29th May 2024, the Respondent no.4 without affording a hearing to the Petitioner cancelled the allotment order dated 30th June 2023. It is the Petitioner's contention that Respondent no.4 further wrote a letter to Respondent no.5 on 12th March 2025 stating that a hearing was conducted by Respondent no.2 in respect of eligibility of the Petitioner for allotment of alternate land, but since the Petitioner was unable to produce the documents showing number of members in his family, therefore, the land allotted as per order dated 30th June 2023 is a double allotment and the same is required to be cancelled. Pursuant to the aforesaid, the Assistant Commissioner (Rehabilitation), Pune Division, Pune issued a letter dated 11th June 2025 and directed Respondent no.4 to cancel the order dated 30th June 2023 after verifying that no suit is pending in respect of allotment made by order dated 30th June 2023.

4. The Petitioner is therefore aggrieved that Respondent no.4 without hearing the Petitioner passed order dated 26th June 2025 only on the basis of letter dated 11th June 2025 and a complaint made by Mr.Babanrao Namdeo Khese on 29th May 2024 and did not appreciate the entire record which the Petitioner has submitted, which showed that the Petitioner was entitled to allotment of alternate land as per provisions of Maharashtra Resettlement of Project Displaced Persons Act, 1976 and the same was allotted to the Petitioner as per eligibility and after following due process of law. It is also the Petitioner's contention that Petitioner had produced all the papers of his family members at the time of hearing before Respondent no.2 and his eligibility was thereafter decided. It is the Petitioner's contention therefore that Respondent no.4 has not appreciated all the aforesaid facts and passed the order dated 26th June 2025 without following principles of natural justice inasmuch as no hearing was granted to the Petitioner.

5. An affidavit-in-reply of Respondent nos.2 to 5 filed opposing admission of present petition and supporting the order passed by Respondent no.4 which according to the Respondents IS passed duly considering the submissions made by the Petitioner as well as by considering the private complaint made by Mr.Babanrao Namdeo Khese and also on the recommendation of the Assistant Commissioner.

6. In view of the aforesaid rival contentions, we are of the opinion that considering that the order dated 26th Jun 2025 has been passed without affording an opportunity of being heard. The impugned order is, therefore, prejudicial to the substantive rights of the Petitioner, being passed in breach of the principles of natural justice. It is accordingly required to be set aside and the proceedings be

remanded to the Competent Officer for a fresh procedure to be followed. Accordingly, the following order would meet the end of justice.

ORDER

- (i) The impugned order is quashed and set aside;
- (ii) Respondent no.4 shall issue a fresh show cause notice to the Petitioner in respect of aforesaid allotment of land within three weeks from the date this order is made available to Respondent no.4 by the Petitioner;
- (iii) Further Respondent no.4 shall after issuing the aforesaid show cause notice, pass a reasoned order in accordance with law as expeditiously as possible and in any event within a period of three weeks after this order is made available by the Petitioner to Respondent no.4;
- (iv) In any event, the entire exercise of issuance of show cause notice and passing of a reasoned order shall be completed by Respondent no.4 within a period of six weeks from the date this order is made available by the Petitioner to Respondent no.4;
- (v) All rights and contentions of the parties are kept open;
- (vi) The writ petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)