

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12029 OF 2025

Late Khandu Mhatarba Gopale through LRs

Prakash Khandu Gopale

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.Sumit V.Khaire, Advocate for Petitioner.

Dr.Dhruti Kapadia, AGP for State.

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

DATE: 17th September 2025

P.C.

1. This petition is filed under Article 226 of the Constitution of India

wherein following substantive reliefs are prayed for, which read 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 26/8/2024 and 3/4/2025 filed by Petitioner for conversion of land from Class-II to Class-I land;

b) This Hon’ble Court be pleased to issue a writ of Mandamus or any other appropriate Writ, Order or direction to Respondents to convert the land allotted to Petitioner from Class-II to Class-I land;

c) 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 by the inaction on the part of

Respondent no.3 in not deciding his applications dated 26th August 2024 and 3rd

April 2025 filed by the Petitioner for conversion of land from Class-II to Class-I

land. The primary grievance of the Petitioner is that there is material on record

which shows that the cut off date of Chaskaman Dam is 20th September 1979 and

therefore Maharashtra Project Affected Persons Rehabilitation Act, 1999 is not

applicable to Chaskaman Dam project. It is Petitioner's case that in this view of the matter, the Petitioner needs to convert the said land from Class-II to Class-I. It is submitted that on account of inaction on the part of Respondent no.3 in not deciding the applications dated 26th August 2024 and 3rd April 2025 filed by the Petitioner before Respondent no.3, grave prejudice is being caused to the Petitioner. It is contended that the Petitioner has also paid the occupancy price in respect of the said land to enable the conversion from Class-II to Class-I.

3. In view of such limited relief as prayed for, by the Petitioner in the present petition and there being no written opposition/reply filed by the Respondents, considering the nature of the order we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice.

ORDER

- (i) We direct Respondent no.3 to consider and decide the Petitioner's applications dated 26th August 2024 and 3rd April 2025 by a speaking order, after considering the material on record filed by the Petitioner and in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date this order is submitted with Respondent no.3;
- (ii) Let the parties be granted an opportunity of being heard;
- (iii) All rights and contentions of the parties are expressly kept open;
- (iv) The petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)