

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5612 OF 2021

Balasaheb Gopalrao Maral & Ors.	...	Petitioners
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. Y. B. Lengare, Advocate for the Petitioner.

Smt. K. N. Salunke, AGP for the Respondent Nos. 1 to 5/State.

Mr. Nitin P. Deshpande, Advocate for the Respondent Nos. 7 to 13.

**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : APRIL 6, 2022

P.C.

1. We have heard learned Counsel for the petitioners and learned AGP. It is not disputed in the affidavit filed by the Secretary, (Disaster Management, Relief and Rehabilitation), Revenue and Forest Department on behalf of Respondent No.1 that the petitioners were placed in possession of the residential plot at Jategaon Budruk. The affidavit states that the petitioners failed to construct the houses within one year and vide resolution dated 06/04/2015, the Government had canceled the Gavthan created at Jategaon Budruk, Tal Shirur. In the affidavit no statement is made as to whether the possession from the petitioners is taken back. If the petitioners are placed in possession of the property as the Project Affected Persons,

then no purpose would be served by dislodging them and placing the other persons in possession.

2. The learned AGP seeks time to explain as to whether the possession from the petitioners is taken back.

3. Place the matter on **20th April 2022**.

4. The ad-interim order passed earlier to continue till then.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)