

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5612 OF 2021

Balasaheb Gopalrao Maral and Ors.

.. Petitioners

Versus

The State of Maharashtra and Ors.

.. Respondents

.....

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

Mrs.M.S. Bane, AGP for the Respondent Nos.1 to 5.

Mr.Nitin P. Deshpande, Advocate for Respondent Nos.1 to 13

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**CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATED : 12 September 2022.

P.C. :

The reply is filed on behalf of the Respondent – State that the Petitioners have violated the conditions of allotment for not constructing the premises within one year of allotment inspite of the fact that the Petitioners were put in possession on 11 May 2001. It is stated on oath by the Secretary, Disaster Management Relief and Rehabilitation that on 11 May 2001, Petitioners were put in actual physical possession of the residential plot, and the Petitioners did not

construct house on the residential plot, and thereafter, on 6 April 2015, the Gavthan created was cancelled. To this reply, which is an assertion on oath, the Petitioners have not filed any rejoinder demonstrating the claim of the Petitioners that the Petitioners were not put in physical possession, as stated, and that the Petitioners were continuously making representations from the date of allotment.

2 After arguing for some time, the Petitioners seeks time to file additional rejoinder. By way of indulgence, we permit the Petitioners to file additional rejoinder.

3 As regards continuation of the ad-interim order is concerned, which is a status-quo, the same was granted in the year 2019, as a consequence, none of the project affected persons are getting any benefit of resettlement. While we continue the ad-interim order, we clarify that it will only be restricted to the Petitioners, and it will not preclude the State from taking the steps as regards the other project affected persons are concerned.

4 Stand over to 11 October 2022.

SHARMILA U. DESHMUKH, J.

NITIN JAMDAR, J.