

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

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WRIT PETITION NO.10236 OF 2019

Sachin Gopal Doke & Anr.	..	Petitioners
<u>Versus</u>		
The State of Maharashtra & Ors.	..	Respondents

Mr. Gajanan M. Savagave for the petitioners.

Mr. S.H. Kankal, AGP for respondent-State.

**CORAM M.S. Sonak &
Jitendra Jain, JJ.**

DATED: 28 March 2025

PC :-

1. On the following dates, this Court issued directions to the respondents to file their replies: -

- (i) 23rd September 2019.
- (ii) 18th December 2019.
- (iii) 14th February 2020 (last chance);
- (iv) 26th April 2023 (by way of last indulgence); and
- (v) 2nd January 2024.

2. Our order dated 2 January 2024 reads as follows: -

“PC. :

1. The learned AGP seeks further time to file reply. The learned Counsel for the Petitioners makes a grievance that this Petition is pending since 2019 and inspite of granting time on several occasion, reply is not being filed. The Respondent No.6 – Special Land Acquisition Officer No.2, Ujani Project, Mangalvedha, District Solapur will ensure that necessary instructions are given to the Office of the Government Pleader so that reply affidavit can be filed in time before the next date.

2. The Office of the Government Pleader will sent the copy of this order to the Special Land Acquisition Officer so that he can comply with this direction.

3. Stand over to 13 February 2024.

3. Despite all these, the learned AGP once again seeks time by brazenly submitting that yet another “final opportunity” be given. We cannot appreciate this. “Last” means final. Two such last opportunities have already been given but entirely ignored by the State and its officials. Since the State is an impersonal entity that functions through its officials, we indulge the State. Ultimately, any order involving financial implications against the State pinches the taxpayer and the common man for whose benefit the State’s finances could be better utilised. But this indulgence must not be construed as some weakness or the Court’s hesitancy to enforce its orders and directions. In this case, no replies have been filed for the last six years despite directions and last opportunities. The Court orders must not be treated with such scant respect and casualness.

4. We direct that this order be presented to the Revenue Secretary within a week from today. The Revenue Secretary must ascertain which officer was responsible for the delay in filing the reply. After adhering to the principles of natural justice and fair play, necessary entries must be made in the service record of the officer or officers for disobeying the orders of this Court and jeopardizing the State’s interests. The Revenue Secretary must submit the compliance report to this Court by 16 April 2025.

5. The Special Land Acquisition Officer No. 2, Ujani Project, Mangalvedha, District Solapur will now pay Rs.10,000/- personally to the petitioners on or before 16 April 2025. If this Officer wishes to file a reply, he may file the same by 16 April 2025 by giving an advance copy. However, we clarify that if no reply is filed and the State Exchequer, on account of such non-filing of reply, must bear any financial responsibility, then this officer or any other officer responsible for filing a reply should be held personally accountable for such financial liability. The State Exchequer or Taxpayer should not be burdened with this additional financial liability.
6. We list this matter for final disposal on 24 April 2025 at the admission stage.
7. Mr. Kankal, learned AGP is requested to immediately place a copy of the order before the Revenue Secretary of Maharashtra and Special Land Acquisition Officer No.2, Ujani Project, Mangalvedha District, Solapur for compliance.
8. All concerned can act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)