FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO. 8348 OF 2009

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders

Court's or Judge's orders

This is yet another matter in which the primary relief claimed is to direct the authority to discharge its statutory obligation, which it was expected to discharge within a reasonable time. The relief claimed is to issue direction to respondent nos.2 & 3 to decide the pending application u/s 28-A of the Land Acquisition Act within three months, obviously from the institution of this petition. Further relief is claimed for direction against respondent nos.2 and 3 to compensate the petitioner as per Land Acquisition Act within three months.

We have come across several writ petitions in which similar relief is claimed not

only in respect of inaction of the authority dealing with land acquisition proceedings, but even other departments. such as Cooperative Department, Caste Scrutiny Committee, Education Department, Social Welfare Department, Zilla Parishads and the like. We find that substantial number of writ petitions, such as the present petition, which are filed in this Court, are avoidable, if the officials of the State were to discharge their of deciding the obligation statutory representation within a reasonable time. In the present case, petitioner has submitted her application aln ost one year back i.e. 5th It is unnecessary to January, 2009. underscore that the applicant would have legitimate expectation of early redressal of Indubitably, expeditious her grievance. decision on the representation or application is a right ing ained in Article 21 of the Constitution of India. Even when no period of limitation to dispose of representation / application is prescribed under statute, it has to be done expeditiously within a reasonable

time (see Bharat Steel Tubes Ltd. V/s State of Haryana - [(1988) 3 S.C.C., 478]. That is the duty cast upon the officials. existence of power to decide such application / representation is coupled with duty to decide the same expeditiously. It will not be out of place to restate the legal position expounded by the Division Bench of this Court in a recent decision in the case of Vaishali Atmaram Suryawanshi V/s the State of Maharashtra in Writ Petition No.7055/2009 decided on 16th December, 2009. Notably, due to the inaction of the Authority (officials), not only the citizen has to suffer the agony of uncertainty and delayed justice, but at the same time the State exchequer is incurred on legal proceedings, which is wholly avoidable.

In our view, the Chief Secretary of the State of Maharashtra should issue appropriate instructions or circular to all the concerned officials of the respective departments, not only to one referred to above, but a general circular, instructing all the Departments that if the officials are

required to dispose of any application or representation under the provisions of law, they shall do so within a reasonable time and in any case not later than the time specified in the said circular, failing which the concerned official will be held personally responsible and may be proceeded for appropriate Departmental action including for dereliction of duty. The Government Pleader assures to convey the sentiments of the Court to the Chief Secretary for taking appropriate action, as may be advised, and report compliance to the Court within four weeks from today.

Insofar as the present matter is concerned, we have no hesitation in disposing of this petition with direction to the respondent nos.2 & 3 to forthwith process the application preferred by the petitioner u/s 28- \(^\) of the Land Acquisition Act and dispose of the same expeditiously, in any case not later than eight weeks from today and submit compliance report in the Registry of this Court. The said application shall be decided

on its own merits.

In view of the observations made in the earlier part of this order, it is treated as suo motu proceedings initiated by this Court. The matter to be listed on 22.2.2010 under the caption "Directions".

(S.S. SHINDE, J)

(A.M. KHANWILKAR,J)

DV- 25.01.2010

ndk/c2511023

सर्व मंत्रालयीन विभागांनी त्यांचेशी संबंधित त्रेथानिक कामकाजाबाबत, नर्मेच अधिनियमास अनुसरून कामोशिक्षित कार्यवाही विद्रित कामावधीत करण्याची दक्षता घेणेबाबत.

महाराष्ट्र शासन महसूल व नन विमाग १-१९/७२ क.प्रे२०९/२०५ीणी-१५ क.प्र.अ.२९/अ-२ मंत्रालय, मुंबई ४०० ०३२. विनांत्र- १६ केबुवारी २०१०.

जाचाः- शासन अधेशासकीय पत्र क्र.एलक्यूएन-१८९४/४८७४/अ-२,विनांक १३.९.१९९१ चे पत्र.

कह्मग्रीम सम्राष्ट्

जादेश देत आहे. <u>त्राहित ने आहे.</u> ज्ञादेश देव मंत्राह्म स्थाद स्थादित स्थाद स्थादित स्थाद स्थादित स्थाद स्थादित स्थाद स्थादित स्थाद स्थादित स्थादित

रुविमोन्पर एक निष्ठ ग्रिम्पक्पिकशिक तथीं में प्रान्नाक्ष्य कार्याक्ष्य प्राप्त निर्मा क्ष्यां क्ष्यां क्ष्यां कार्याक्ष्य क्ष्यां क्ष

भरणपात यावे व त्याबावत त्यांच्याविकध्य कर्तव्यच्यति व कामाची हथगय केल्याबद्दल त्यांच्याविकध्य महम्बद्धा क्रियाक्ष्मिक निर्मात स्विधित अधिकारी व कर्मचारी यांना वेशक्रिकारित्या जबाबद्दार कामनाही हे महिन्याच्या आत पूर्ण करण्यात यावी. सदरह कार्यवाही संबंधित अधिकाऱ्यांनी वरील नमूद नियमपोतात कार्यवाही करण्याचा अतिम कालावधी विहित केलेला नाही, त्याबाबतचा निर्णय घेण्याची

सदरह शासन परिपन्नतील आदेश सब मंत्रालयीन विभागीनी तसेच विभागीय आवृक्त व निमानि नोक्प्रिक किरियान किरियान किरियान किरियान किर्मान

जिल्हाधिकारी यांनी त्यांच्या अधिपत्याखालील सब सबीधत अधिकारी व कमेचारी यांच्या निद्यानास

. निग्रक निश्चाही तातडीने करावी.

. सदरहू शासन परिपन्नक महाराष्ट्र शासनाच्या वेबसाईटवर उपलब्ध करण्यात आले असून त्याचा

मुख्य सिचेव, महाराष्ट्र शासन (新 中 年)

'DK

महालेखापाल, महाराष्ट्र-१/२ (लेखापरीक्षा), मुंबई/ नागपूर. सव जिल्हा सरकारी वकील. सर जिल्हा पुनवसन अधिकारी. ् संब उप विभागीय अधिकारि भूसिपादन अधिकारि विश्रेष भूस्पादन अधिकारी. रीमकाशीकारी कामीतीर \ रीमामीकार्य केम ्गि, फ्राप्ट ड्याप्राञ्चम सम्भिन्नीहम विक्रीन जगाववदी आयुक्त व संचालक, भूमी अभिलेख, महाराष्ट्र राज्य, प्णो. सब विभागीय आयुक्त. प्रधान सिचव, विधी व न्याय विभाग, मंत्रालय, मुंबई. मुख्य सिचेव, महाराष्ट्र राज्य, मंत्रालय, गुंबहे.

· 188- 3346-183.

निवडनस्ती (अ-२), मंत्रालय, मुंबई

विस विभाग (व्यय-९), मंत्रालय, मुंबहे.

सेवालक, नगररवना, महाराष्ट्र राज्य,पुर्ण.

सर्व मंत्रालयोन वियाग.

सर्व कार्यासने, महसूल व वन विभाग, मंत्रालय, मुंबई.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

संगणक संकेतांक क.२०१००२१६१६३४०९००१ असा आहे.

महास्वालक, माहिती व जनसंपक महासेवालनालय, मंत्रालय, मुंबद्

महालेखापाल, महाराष्ट्र-१२ (लेखा व अनुत्रेयता), मुंबई/ नागपूर.