



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 3906 OF 2025**

Hemant Vasant Rao Jadhav

...Petitioner

**Versus**

The State of Maharashtra and Others

...Respondents

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*Mr. Vijay Patil, Senior Advocate a/w Mr. Digambar V. Jadhav, for the Petitioner.*

*Mr. Siddheshwar B. Kalel, AGP for the Respondent-State.*

*Mr. Abhijit M. Adagule for Respondent No.3 – Corporation.*

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**CORAM : SHARMILA U. DESHMUKH &  
NEERAJ P. DHOTE, JJ.**

**DATE : AUGUST 27, 2026.**

**P. C. :**

1. By the present Petition, the Petitioner seeks a direction to the Respondent No. 3- Municipal Commissioner to forthwith submit a report to the State Government which was called for by the State Government by the communication dated 27<sup>th</sup> October, 2020.
2. Mr. Patil, learned Senior Advocate appearing for the Petitioner submits that the Petitioner's ancestors were the original owners of land bearing Survey No. 1243/2, admeasuring about 10 Gunthas, and in the town planning scheme which was sanctioned in the year 1970 and

implemented in the State of Kolhapur, the lands of the original owners were reshuffled and they were allotted alternate land. He would further submit that an award was passed, whereby the Petitioner's grandfather was proposed to be allotted final Plots No. 97 and 105 and the Respondent No.3 - Corporation, without any authority, passed a resolution allotting both these plots to one Vasant Ramchandra Jadhav. He would submit that the final plot No. 96/A, which was given as an alternate plot, was not accepted by the Petitioner's grandfather, and representations were made by the Petitioners for the alternate plot.

**3.** He would submit that from the year 1989 till date, the Petitioner and his family have not been allotted any alternate plot. He would submit that in the year 2002, the General Body Resolution of Kolhapur Municipal Corporation proposed to apply to the State Government to allot an area admeasuring 5000 sq. ft. from final plot No. 145/A to the legal heirs of the Petitioner's grandfather. He submits that the Municipal Corporation applied to the Principal Secretary of the State of Maharashtra for correction in the town planning scheme on 2<sup>nd</sup> April, 2002 and also replied to all queries raised. He would submit that it was also pointed out by the Commissioner that under the town planning scheme, it is only the Petitioner who is yet to receive the alternate land. He submits that on 16<sup>th</sup> September, 2003, the Director of Town Planning granted its no objection to the proposal of the Kolhapur Municipal

Corporation. He submits that on 6<sup>th</sup> December, 2018, the State Government addressed a communication to the Assistant Town Planner of the Corporation asking for documents of the Petitioner which were duly submitted, and thereafter, on 27<sup>th</sup> October, 2020, the Under Secretary of the State of Maharashtra addressed a communication to the Corporation seeking a report for ascertaining the status of the plot which is not yet submitted, leading to the present Petition.

4. Learned counsel appearing for the Municipal Corporation would not dispute the facts which are canvassed by Mr. Patil, learned Senior Advocate for the Petitioner and would submit that due compliance will be done in respect of the communication of 27<sup>th</sup> October, 2020 and report will be accordingly submitted.

5. Despite several representations being made by the Petitioners for seeking allotment of the alternate plot, it is only in the year 2018 that documents of the Petitioners were called for. Though the State of Maharashtra on 27<sup>th</sup> October, 2020, had called for a report from the Municipal Commissioner for ascertaining the situation of the plot, no action was taken by the Municipal Corporation and a period of almost six years has elapsed. It is expected that when a town planning scheme is implemented, there would be allotment of the plots to the original owners, which has not happened in the present case for the last several years.

6. We also find that the Petitioner has, after the communication of 27<sup>th</sup> October, 2020, addressed several representations in 2022 and 2024 to the Commissioner of Municipal Corporation, calling upon him to submit a report as called for from the State Government.

7. As the report is required to be submitted before the plot can be allotted to the Petitioner, we direct the Respondent No.3 - Municipal Corporation to submit a report to the State Government as called for by the communication dated 27<sup>th</sup> October, 2020 expeditiously, and in any event within a period of three weeks from today.

8. As after the report is submitted by the Municipal Corporation, the scheme is required to be altered and a notification to be issued for allotment of alternate land, it is expected that the same will be done expeditiously considering that the Petitioner's plot was reshuffled in the town planning scheme of the year 1970 and Petitioner is still awaiting an alternate plot.

9. The Petition is allowed and disposed of in the above terms.

**[NEERAJ P. DHOTE, J.]**

**[SHARMILA U. DESHMUKH, J.]**