

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

WRIT PETITION NO.2121 OF 2014

Dattatraya Babu Shewale and Ors.

...Petitioners.

V/s.

The Collector, Kolhapur & Ors.

...Respondents.

Mr. Uday Bhagwanrao Nighot for the Petitioner.

Mr. V. S. Gokhale, AGP for Respondent Nos.1 to 5.

**CORAM : A.S.OKA &
VL. ACHLIYA,JJ.**

DATE : 8th SEPTEMBER, 2015

P.C.:

. Heard the learned counsel for the petitioners.

2. The challenge in this Writ Petition under Articles 226 of the Constitution of India is to the order dated 31/1/2014 passed by the Divisional Commissioner, Pune on an application made by the petitioners under section 48(1) of the Land Acquisition Act, 1894. By the said order, the said application has been rejected.

3. In the present case, the notification under section 11(1) of the Maharashtra Project Affected Persons Rehabilitation Act, 1986 provides that the provisions of the said Act have been made applicable with effect from 31/3/2000. The submission of the learned counsel for the petitioner is that if the partition effected which is recorded in the document executed on 31/3/2000 is considered, the holding of the petitioners will be below the prescribed slab.

4. He pointed out that though the actual entry regarding the

partition by metes and bounds might have been recorded after 31/7/2000, the intimation of the partition was given before the relevant date.

5. The admitted position is as of 31/7/2000, the effect was not given in the revenue records to the alleged partition. Therefore, the Divisional Commissioner rightly relied upon the section 12(4) of the Maharashtra Project Displaced Persons Rehabilitation Act, 1986 and rejected the case based on partition. There is no merit in the petition and is accordingly rejected.

(V. L. ACHLIYA, J.)

(A. S. OKA, J.)

C E R T I F I C A T E

“ Certified to be true and correct copy of the original signed Judgment/Order.”