

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

WRIT PETITION NO.3330 OF 2014

Ajinath Laxman Shinde .. Petitioner.
Vs.
The District Rehabilitation
Officer, Solapur & Ors. .. Respondents.

Mr.Sarang Aradhye and Ashish Pawar for the Petitioner.
Mr.V.S. Gokhale AGP for Respondent Nos.1 to 4.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 28TH JANUARY, 2015

P.C.

1. Learned APP states that he has not received any instructions.

2. On 15th November, 2014, a notice for final disposal was issued by this Court. On 11th December, 2014 when the petition was called out for final hearing, this Court granted time of one month to the State Government to file a reply. Even as of today, the reply is not filed. Therefore, we have taken up this petition for final disposal.

3. The petitioner claims that he is a project affected person as his land was acquired by the State Government for Ujani Dam project. The petitioner is relying upon the order dated 11th March, 2013 passed by the Addl. Collector cum Deputy Director (Rehabilitation), Solapur. The said order was passed under the provisions of Maharashtra Land Revenue Code, 1966 and the Land

Disposal Rules framed under the provisions of the said Code. By the said order, the land bearing Gat No.121/1b (part) admeasuring 1 Hectare 20R situated at village Shridhon, Taluka Pandharpur, District Solapur was allotted to the petitioner. A copy of the said order has been annexed at Exhibit-A to the petition. The petitioner was called upon under the said order to deposit the occupancy price of the said Land. Exhibit-B to the petition shows that on 30th October, 2012, the said amount was already deposited by the petitioner.

4. By an undated letter of the year of 2012, a copy of which is annexed at Exhibit-D issued by the Circle Officer, Pandharpur to the petitioner, he was called upon to take possession of the said land allotted to him. The petitioner is relying upon undated possession receipts which are at Exhibit-F to the petition.

5. On the last date, we had granted time of one month to the State to file a reply as this Court found that the dates on all the documents on Page Nos.17 to 23 (Exhibit 'D' to 'G') are kept blank. Even on the possession receipt, no date has been mentioned. However, no reply is filed by the State Government. The petitioner is claiming that he has been placed in possession of the said land on the basis of the order dated 11th March, 2013. Considering the nature of documents which are annexed on Page Nos.17 to 23, appropriate Revenue Officer will have to hold an inquiry on the aspect whether the petitioner has been placed in possession of the land allotted to

him. The grievance in the petition is that the name of the petitioner has not been entered in the Revenue Record of the allotted land.

6. Hence, we dispose of the petition by passing the following order :

- (i) We direct the petitioner to appear before the Additional Collector cum Deputy Director of Rehabilitation, Solapur on Monday 23rd February, 2015. The petitioner shall remain present at 11 am before the said officer along with the original documents annexed to the petition. The petitioner shall also produce an authenticated copy of this order before the said officer. If the Additional Collector is satisfied that the petitioner has been placed in possession of the land described in the schedule to the order dated 11th March, 2013, the Additional Collector shall direct the concerned Tahsildar to mutate the name of the petitioner in the Revenue records in relation to the said land allotted under the order dated 11th March, 2013;
- (ii) We direct the Additional Collector, Solapur to pass an appropriate order after verification of the documents on or before 23rd March, 2015;
- (iii) The petition is disposed of in the above terms;
- (iv) The Additional Collector, Solapur to act on an authenticated copy of this order.

(A.K. MENON, J.)

(A.S. OKA, J.)