

who has filed the suit for declaration that the land i.e. admeasuring .79 R from Gut NO. 276 is to be declared as the owner of the land.

3. The Respondent No. 1 is a project affected person and Respondent No. 2 is the Collector. The Appellant/Plaintiff has applied for land of .79 R from Gut No. 214. By mutation, the name of the Plaintiff was entered as the owner of Gut NO. 214. However, as the order was obtained by suppressing material facts and Respondent No. 1 challenges the said order and demanded the earlier possession is to be restored.

4. The Appellant filed a suit for declaration in respect of said land which was by review order was given back to the Respondent. The Respondent has filed an application under Order 7 Rule 11 of Code of Civil Procedure that the suit is not maintainable in the Civil Court.

5. The learned Judge has allowed the said application and held that the suit is not maintainable in view of the pleadings and the averments made in the plaint. The said order is under challenge.

6. After hearing the submissions of both the parties and after going through the pleadings in the plaint, it appears that the Plaintiff/Appellant has in fact filed the suit challenging the order of S.D.O. dated 20th January, 2014. As per Section 24 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999, the jurisdiction of the Civil Court is barred in respect of deciding and dealing with any question which is under the Act required to be settled and decide or dealt with by project authority i.e. Collector or the Government.

7. The Respondent No. 1 is the project affected person and the order passed by the S.D.O

of giving him land of .79 R from Gut NO. 276 is by invoking powers under Project Affected Persons rehabilitation Act and therefore there is a bar to entertain the matter.

8. In view of the above, the Appeal stands dismissed.

9. The learned counsel for the Appellant submits that he be given some time to approach the proper authority and order of status quo be continued.

10. In view of the above submission of learned counsel for the Appellant, the order of status quo to continue till 4th September, 2015.

11. The parties to act on the authenticated copy of the order.

(MRS.MRIDULA BHATKAR, J.)