

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8713 OF 2013

Bhagoji Babu Patkare . .. Petitioner
-Versus-
The Collector and Deputy Collector,
Rehabilitation, Kolhapur & Ors. .. Respondents

Mr.P.D.Dalvi for petitioners
Ms.P.S.Cardozo, AGP for respondent Nos. 1 to 5

CORAM : M.S.SONAK, J.

DATE : 4th February 2015.

P.C.

1] This petition takes exception to the order dated 17th June 2013, whereby the Deputy Collector (Re-settlement) Kolhapur has declined to consider the request of the petitioner for allotment of alternate land, in lieu of the land bearing Gat No.890 admeasuring 0.40 Rs

2] The complaint of the petitioner was that the land bearing Gat No.890 is totally uncultivable and rocky land and, therefore, the Deputy Collector ought to consider allotment of alternate land. This

is on the basis that there is absolutely no dispute that the petitioner is a project affected person and the entire purpose of the allotment of land was in order to enable the petitioner to carry on agricultural activities and, thereby, re-settle himself and his family.

3] In the present case, the records reveal that the petitioner is no doubt a project affected person. The records further reveal that the petitioner has been allotted alternate land spread over different gat numbers admeasuring 1.57 hectares. Out of this, there is some issue with regard to gat No.890 which admeasures about 0.40 Rs. The Deputy Collector, in the impugned order and also in the affidavit in response to the present petition, has disputed the position that the land is totally uncultivable, but has stated that there may be some debris lying thereon on account of canal construction for which the petitioner is free to avail the alternate remedies. It is also pointed out that the petitioner has approached with a plea for change after almost fifteen years and as of date there are several project affected persons, who are yet to be re-settled. In view of all these factors, the Deputy Collector has declined to accede to the request of the petitioner.

4] On perusal of the records and looking to the circumstances referred to in the impugned order, as well as the affidavit in response to this petition, it cannot be said that the approach of the authority is unreasonable. The petitioner has availed the benefit of alternate land to the extent of 1.57 hectares. Even assuming that there is some problem with regard to some portion thereof, it is not as if the petitioner can demand alternate land as a matter of right. The petitioner has approached the authorities almost after one and half decade. Further, on affidavit, the respondents have stated that there are several other project affected persons who are, as yet, to be resettled. In these circumstances, if the authorities have declined to accede to the request of the petitioner, it cannot be said that such denial is either arbitrary or unreasonable.

5] Accordingly, there is no case made out to interfere with the impugned order. The petition is dismissed. There shall, however, be no orders as to costs.

(M.S.SONAK, J.)