

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5715 OF 2013

Smt. Laxmibai Govind Divakar. .. Petitioner
Vs
The Dy. Collector (Resettlement), Solapur
and Others. .. Respondents
—
Shri Ashutosh M. Kulkarni for the Petitioner.
Shri N.P. Deshpande, AGP for the Respondent Nos. 1 to 3.
—

CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 5TH OCTOBER 2015

PC.

. Time to carry out amendment is extended by a period of four weeks from today.

2. The Petitioner is the widow of one Shri Govind Krishnaji Divakar. The land held by the said Shri Govind Divakar which is described in Paragraph 3 of the Petition was acquired way back in the year 1978 for the purposes of rehabilitation of the project affected persons of Javalgaon Medium Project. The said Govind expired on 27th August 2006. On 7th September 2009, the Petitioner made an Application for allotment of the land by way of rehabilitation. By an order dated 18th October 2011, the Deputy Collector (Rehabilitation),

Solapur, rejected the said Application on the ground that 65% of the compensation amount was not deposited by the Petitioner.

3. The learned counsel appearing for the Petitioner has invited our attention to the additional affidavit filed by the legal representatives of the Petitioner. He pointed out that there are documents annexed to the additional affidavit and in particular the document at Page 101 which is the certificate dated 27th November 2009. The said land was held by Shri Govind Krishnaji Divakar. He submitted that the affidavit-in-reply filed by Smt. Bai Sarjerao Mane proceeds on the footing that there was no record available in the office of the Deputy Collector (Resettlement), Solapur. He stated that the documents annexed to the additional affidavit have not been considered. Moreover, he urged that the Petitioner was not served with a notice calling upon her to deposit 65% of the compensation amount. He, therefore, urged that the Respondents be directed to consider the documents which are produced along with the additional affidavit.

4. Admittedly, the land held by the original Petitioner's husband was acquired way back in the year 1978. The said Govind expired on 27th August 2006. During his lifetime, he never made any grievance regarding the failure of the State Government to allot the land by way of rehabilitation. Nearly three years after the death of the

said Govind, the present Petitioner applied for allotment of the land. Thus, the original owner slept over the matter for nearly 28 years from the date of acquisition and did not make any grievance during his lifetime. The present Petitioner has made grievance belatedly. The stand taken in the affidavit-in-reply that since the acquisition is of the year 1978, the record is not traceable. The Petitioner is relying upon certain allotments made to the persons who are allegedly similarly situated. From the said documents annexed to the Petition, we find that the allotments were made between the years 2002 to 2007. In the present case, the Petition applied for allotment in the year 2009.

5. Only on the ground of gross delay and laches, we decline to entertain this Petition. Accordingly, the Petition is rejected.

6. Civil Application No.261 of 2015 does not survive and the same is disposed of.

(V.L. ACHLIYA, J)

(A.S. OKA, J)