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

WRIT PETITION NO.5152 OF 2014

Bhausahab Dadasahab Salunkhe and Ors. ..Petitioners.
V/s.
The Collector, Pune and Ors. ..Respondents.

Mr.Vivek Salunkhe i/b. Mr.Rupesh Atul Zade for the petitioners.
Mrs.M.P.Thakur, AGP for respondent Nos.1 to 4.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.**

DATED : 26TH OCTOBER, 2015

P.C. :-

1. Notice for final disposal was issued on 25th June, 2015. Though time was granted to the learned AGP on 25th June, 2015 to file a reply, the learned AGP states that she has not received instructions to file reply.

2. The petitioners are claiming to be the legal representatives of project affected persons. Their contention is that the land held by their predecessor-in-title was acquired for public purpose of Veer Dam irrigation project. The petitioners are relying upon the certificates issued to that effect by the Tahsildar and the Deputy Collector, Pune which are annexed to the petition at Exhibits B and C respectively.

3. The contention of the petitioners is that by way of rehabilitation, their predecessors were allotted lands which are more particularly described in Exhibit-A to the petition in column

Nos.5 and 6 thereof. The petitioners have also annexed the 7/12 extracts of the said lands which show the entry of forest in the *Kabjedar* column.

4. The contention raised by the petitioners is that from time to time, they made applications to the revenue authorities as well as to the forest authorities for deletion of the entry of forest in the 7/12 extracts, but no steps have been taken. The learned counsel appearing for the petitioners relies upon the letter dated 9th May, 2011 addressed by the Deputy Collector (Rehabilitation), Pune to the Chairman of the Grievance Redressal Organization, Pune. His submission is that in similar cases, similar entries appearing in the revenue records have been deleted. He relies upon page 42 of the petition in support of the said contention. The learned AGP has no instructions. There is no reply filed controverting the allegations in the petition.

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

- (i) We direct the petitioners to appear before the first respondent on 23rd November, 2015 at 11.00 a.m. The petitioners shall produce the necessary documents before the first respondent for establishing the allotment of the lands subject matter of this petition to their predecessors. The petitioners shall also produce the documents annexed to the

petition;

- (ii) The first respondent shall verify whether the lands more particularly set out in column 6 of Exhibit-A to the petition were allotted to the predecessors-in-title of the petitioners by way of rehabilitation;
- (iii) If the first respondent is satisfied that the said lands are allotted as contended by the petitioners, he shall take steps to delete the entry of 'forest' from the revenue records in respect of the said lands;
- (iv) If for any reason, he finds that the entry of 'forest' cannot be deleted, he shall forthwith take steps for the allotment of suitable lands of the equal area to the petitioners in accordance with law;
- (v) The entire exercise shall be completed by the first respondent on or before 29th February, 2016;
- (vi) The petition is disposed of in above terms;
- (vii) All concerned to act upon an authenticated copy of this order;
- (viii) Though the petition is disposed of, for reporting compliance, the same shall be listed under the caption of direction on 8th March, 2016.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)