

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5363 OF 2014

Babu Raghu Patil & Anr. vs. The Collector and Dy. Director, Rehabilitation, Kolhapur & Ors.	...	Petitioners Respondents
--	-----	--

Mr. V.P. Sawant i/b. Mr. Ramdas P. Hake, Advocate for the petitioners.
Mr. P.G. Sawant, AGP for respondent nos. 1 to 3.
Mr. P.R. Arjunwadkar, Advocate for respondent nos. 4 and 5.

**CORAM : SMT. VASANTI A. NAIK &
C.V. BHADANG, JJ.**
DATE : 29th January, 2015.

P.C.

By this Petition, the petitioners impugn the orders passed by the respondent nos. 1 and 3 on 12th March, 2012 and 19th May, 2014 respectively. By the impugned orders, the respondent nos. 1 and 3 had found that the petitioners were not entitled to the allotment of the land in question, i.e., land in Gat no/ 13/2 of Village Yadrav.

The lands of the petitioners were acquired for the Tulshi Medium Irrigation Project in the year 2006. Since the petitioners were project affected persons, they were allotted the land in question by an order dated 29th June, 2006. The lands of the respondent nos. 4 and 5 were also acquired by the State of Maharashtra for the same project before the

lands of the petitioners were acquired. The respondent nos. 4 and 5 were allotted the lands in question and also some other lands. There was an allotment of some excess land in favour of the respondent nos. 4 and 5. Since the State Government tried to secure the possession of the lands in question from the respondent nos. 4 and 5 for its allotment to the petitioners, the respondent nos. 4 and 5 filed a Civil suit seeking a permanent injunction restraining the respondents/authorities from securing the possession of the land. The suit filed by the respondent nos. 4 and 5 was decreed. The application filed by the respondent nos. 4 and 5 for taking back the excess land was decided by the authorities and the authorities held that the respondent nos. 4 and 5 were entitled to retain the land in question and return the other lands to the respondents/authorities. The orders of the authorities are impugned by the petitioners in the instant petition.

On hearing the learned counsel for the parties and on a perusal of the impugned orders, we do not find any reason to interfere with the same. Admittedly, the lands of the respondent nos. 4 and 5 were acquired before the acquisition of the lands of the petitioners and the respondent nos. 4 and 5 were allotted the lands in question and some other lands. Before the lands in question were said to have been allotted to the petitioners by the order dated 29th June, 2006, since some excess

lands were allotted to the respondent nos. 4 and 5, the respondent nos. 4 and 5 asked the authorities to secure the possession of the excess lands after permitting the respondent nos. 4 and 5 to retain the lands in question. The suit filed by the respondent nos. 4 and 5 was also decreed and the said fact was considered by the authorities while deciding the application filed by the respondent nos. 4 and 5. We do not find any illegality in the impugned orders so as to interfere with the same in exercise of the writ jurisdiction. In any case, we do not find that the petitioners have a right to claim a specific or particular piece of land as a project affected person

Since there is no merit in the Writ Petition, the same is dismissed, with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)