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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5134 OF 2014

Shri Baban Dagadu Shedge ... Petitioner
Versus

The Collector, Pune and Ors. ... Respondents

Mr. G.M. Savagave I/by Mrs. Suman Yashwant Lengare for the petitioner.

Mrs. M.P. Thakur, AGP for the respondent nos. 1 to 6.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.
DATED : 28th OCTOBER, 2015**

P.C. :-

1. Heard the learned counsel for the petitioner and the learned AGP for the respondent nos. 1 to 6.

2. The petitioner's father Baban Shedge was claiming to be a project affected person. Initially on 24th February, 1994 he was allotted a plot of land by the Deputy Director of Rehabilitation, Pune. The case made out in the petition is that the petitioner's father was never placed in possession of the said land and therefore, on 1st February, 2001 another land was allotted to his father. The case made out in the petition is that the land bearing Gat no. 60/2 admeasuring 46 ares at village Nere, Taluka Mulshi, District Pune was allotted to him. The submission is that the

petitioner is entitled to additional land admeasuring 1 Hectare 60 Ares. Reliance is placed on the application made by the petitioner's father Baban on 15th June, 2007.

3. We have heard the learned counsel for the petitioner and the learned AGP for the State. We have perused the annexures to the petition. The petitioner's father Baban was allotted a land under order dated 1st February, 2001. Thereafter, he never made any grievance that he was not allotted the land as per his entitlement and that he is entitled to allotment of an additional area of 1 Hectare and 60 Ares. The petitioner is relying upon the application dated 15th June, 2007 made by said Baban. By the said application, the father of the petitioner sought allotment of the land admeasuring 1 Hectare 60 Ares out of gat No. 53/2. The fact that a land has been allotted to him on 1st February, 2001 has been completely suppressed in the said application. It is not the case made out in the said application that he is entitled to the additional land. Moreover, the said application has been made belatedly by the said Baban on 15th June, 2007. Thus, the said application was made after the lapse of six years and two months from the date of the allotment. Hence, no case is made out for considering the prayer for allotment of an additional land. More pertinently, after 15th June, 2007 there is no grievance made either by the said Baban or by the present petitioner. The present petition has been

filed on 25th October, 2013.

4. The another grievance made by the petitioner is as regards the failure to enter his name in the revenue records in terms of the order of allotment dated 1st February, 2001. The reliance is placed on the application dated 16th April, 2013. It is contended that no action has been taken on the said application.

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

(a) Prayer clauses (b) and (c) are rejected;

(b) We direct the petitioner to appear before the District Resettlement Officer, Pune, on 21st November, 2015. The petitioner shall produce an office copy of the application dated 16th April, 2013 (Exh. E to the petition) before the District Resettlement Officer. The District Resettlement Officer, Pune shall decide the said application in accordance with Law as expeditiously as possible and in any event, within the period of two months from 21st November, 2015;

(c) The petition is disposed of in the above terms.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)