

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3239 OF 2014

[Shri Manikrao Sheshrao Baradkar and others .vs. State of Maharashtra and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri R.D. Bhuibhar, counsel for the petitioners,
 Shri N.R. Rode, AGP for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATED : JUNE 25, 2015.

By this petition, the petitioners challenge the order of the Collector, Yavatmal-Competent Authority dismissing an application filed by the petitioners for grant of separate plots, in view of the acquisition of their land under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1986.

It is the case of the petitioners that though the plot of land belonging to the petitioner no.1 and the agricultural land belonging to the petitioner nos.2 and 3 were acquired, while rehabilitating the petitioners, only one plot was allotted to the wife of the petitioner no.1. It is stated that the petitioners were entitled to separate plots as their lands were separate.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that the land of the petitioners were acquired by the Notification issued under Section 11 (1) of the Act, 1986 on 16.10.1995. The respondent-Collector-Competent Authority found that at the time of issuance of the Notification, which is the relevant date, all the petitioners and the wife of the petitioner no.1 were residing in a joint family. It was found by the respondents that the petitioners and the wife of the petitioner no.1 were residing in a joint family and joint family land was acquired.

It was rightly held that there was no reason to allot separate plots to each of the family members, as in view of the provisions of the Act, the persons residing in a joint family are entitled to only one plot of land. The respondent considered the ages of the petitioner nos.2 and 3 and the other material including the ambit of the term “family” to hold that the petitioners were residing in a joint family on 16.10.1995. This finding has not been seriously disputed by the petitioners. In the circumstances mentioned hereinabove, we do not find any illegality in the order of the Collector, Yavatmal-Competent Authority in denying separate plots of land to each of the petitioners.

Since the order of the competent authority is just and proper, the writ petition is dismissed, with no order as to costs.

JUDGE

JUDGE

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