

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 829 OF 2015

Bhau Laxman Kene and anr.

..Petitioners

Versus

The State of Maharashtra and ors.

..Respondents

Mr. Tanaji Mhatugude, advocate for the petitioners.

Mr. S. K. Shinde, PP along with Mrs. M. M. Deshmukh, APP for the State.

Ms. Shilpa R. Oswal, Tahsildar-Bhudargad present.

Mr. Rajesh Tukaram Rathod, PSI-Bhudargad Police State, Dist. Kolhapur present.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 2nd MARCH, 2016.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The grievance of the petitioners raised in the petition is that the land in question is allotted to them by the Government as a project affected persons under the provisions of Maharashtra Project Affected Persons Rehabilitation Act, 1999 and the earlier owner of the land is obstructing and disturbing their possession and this is been done in spite of the orders of the Civil Court. It is the specific contention of the the petitioners that the sugarcane crop in the said land is cultivated by them, however, the same is harvested by the earlier owner. The

petitioners also made a grievance that no action has been taken despite the complaint made to the police authorities and revenue authorities.

3. During the course of hearing, it was revealed that the action against the earlier owner was not taken in the light of the letter dated 29th December, 2014 of the Deputy Collector(Resettlement), Kolhapur, pointing out that the land, in question, was not allotted to the petitioners. On 5th February, 2016, Mr.Shailesh Suryawanshi, Deputy Collector(Resettlement), Kolhapur was present before the Court. He submitted that the letter dated 29th December, 2014 referred above was factually incorrect. He also made a positive statement that the land in question was allotted to the petitioners and that the Tahsildar-Bhudargad had also issued a letter dated 4th February, 2016 to the Police Inspector-Bhudargad about this fact. On 23rd February, 2016, a statement was made by learned APP on instructions that the FIR is registered against eight persons viz. the earlier owners of the land which came to be allotted to the petitioners. However, learned APP was not in a position to make a statement as to what action was taken by the the revenue officers and, therefore, this Court adjourned the matter today.

4. In pursuance of the above order, Ms.Shilpa R. Oswal, Tahsildar-Bhudargad and Mr. Rajesh Tukaram Rathod, PSI-Bhudargad

Police State, Dist.Kolhapur are present before the Court. Learned APP, on instructions, makes a statement that in pursuance of the FIR referred above, the eight persons were averred, however, subsequently released on bail. She made a grievance that the petitioners are not cooperating with the investigation. Mr. Mhatugade, learned counsel for the petitioners made a statement that the petitioners would cooperate with the investigation. The statement is accepted. Learned APP also assures this Court that in future to avoid reoccurrence of the incident as quoted in the petition, appropriate measures would be taken. The statement is accepted.

5. At this stage, it is pointed out by learned counsel for the petitioners that no action is taken in the earlier C.R. registered at the instance of the petitioners. Learned APP, on instructions, stated that appropriate action would be taken in the said C.R. The statement is accepted.

6. In the above circumstances, the grievance of the petitioners made in the petition stands redressed. The petition, accordingly, stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]