

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1496 OF 2016

Yashwant Shankar Bamne & Ors. .. Petitioners
V/s
The Secretary
Relief and Rehabilitation Department & Ors. .. Respondents

Mr. Subhash Gutte for the petitioners.
Mr. N.P. Deshpande, A.G.P. for the respondents.

**CORAM: DR. MANJULA CHELLUR, C.J. &
M.S. SONAK, J.**

DATE : 30th AUGUST 2016

P.C.:

The petitioners are before this Court seeking the following reliefs:

- “(a) This Honorable Court may be pleased to issue Writ of Mandamus or any other appropriate Writ, order or directions in the like nature thereby to quash and set aside the decision dated 23.12.2015 taken by the Dy. Commissioner (Rehabilitation) (At Exh.”I”) in respect of rejecting the claim of the petitioners for their replacement of residential plot in the scheme for rehabilitation;
- (b) This Honorable Court may be pleased to issue Writ of Mandamus or any other appropriate Writ, order

or directions in the like nature thereby to direct the respondents concerned authority to allot the petitioner no.1 to 3 plot land for their residential purpose under the rehabilitation scheme as per the decision and order dt. July 2014 (as per Exh. "D") as per mentioned in in Appendix "A" at village Shivajinagar, Tal. Kadegaon, Dist. Sangli and further direct the concerned authority to take necessary entries to that effect in the village records on the name of petitioner no.1 to 3 at village Shivajinagar, Tal. Kadegaon, Dist. Sangli;

- (c) This Honorable Court may be pleased to issue Writ of Mandamus or any other appropriate Writ, order or directions in the like nature thereby to direct the respondents authority to take decision for allotment of 80 R land to the each petitioner or cash amount instead of the aforesaid allotted land within time bound period and after taking decision comply the same in favor of the petitioners within four weeks from the decision;
- (d) Pending hearing and final disposal of this writ petition the decision taken by the Dy. Commissioner dt. 23.12.2015 (at Exh. "I") be stayed."

2. It is not in dispute that the land of the petitioners came to be acquired at village Mendh in District Satara for Wang Marathawadi Medium Level Project. It is also not in dispute that the petitioners were entitled for a residential plot and also agricultural land. Apparently, the residential plot was initially allotted in village Kalambi, Tal. Khanapur, District Sangli. Similarly, agricultural lands were allotted. After taking possession of residential plot at village

Kalambi, the petitioners made an application for change of village so far as residential plot is concerned. According to them, though such request was considered and approved, till date no communication of change of village with regard to residential plot is communicated to them. He further submits that in lieu of allotment of agricultural land, they are ready to take financial compensation and not the land.

3. Learned A.G.P. brings to our notice that in fact considering the application of the petitioners for change of village so far as residential plot is concerned, they did allot residential plot at village Shivajinagar, but later possession of the same could not be given since such plot was within flood-prone area.

4. In the light of exercising concession by the respondent Authority to locate a residential plot at Shivajinagar, we are of the opinion that if any other suitable alternative residential plot is available at village Shivajinagar, the same could be allotted to the petitioners if the petitioners makes a representation within 2 weeks from today. It is made clear that there is no vested right as such asking for alternate residential plot unless the plot allotted to the displaced land owners is a plot which cannot be made use of by the allottee.

5. It is made clear that the representation of the petitioners will be considered purely based on merits of the application vis-a-vis

availability of the land and none of our observations will have any persuasive value.

6. The writ petition stands disposed of with the above directions.

(M.S. SONAK, J.)

(CHIEF JUSTICE)