

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3332 OF 2014**

Sukhadev Laxman Shinde .. Petitioner
V/s
The District Rehabilitation Officer & Ors. .. Respondents

Mr. Sarang Aradhye for the petitioner.
Mr. M.M. Pabale, AGP for the State.

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

DATE : 6th DECEMBER 2016

P.C.:

Heard learned counsel for the petitioner.

2. The petitioner is before this Court seeking the following reliefs:-

- “(a) Rule be issued;*
- (b) By an appropriate writ, order or direction of this Hon'ble Court, the Respondents more particularly the Respondent Nos. 1 to 3 be ordered and directed to record / enter / mutate forthwith the petitioner's name in the 7/12 extracts as well as 6/d extracts in respect of an agricultural land admeasuring 1 Hectare 20 R situated at Village Shirdhon, Taluka Pandharpur, District Solapur, being Gat No. 121/1b pursuant to the possession receipt issued by the Circle Officer*

(Rehabilitation), Pandharpur;

(b) That by an appropriate writ, order or direction of this Hon'ble Court, the Respondents more particularly the Respondent Nos. 1 to 3 be ordered and directed to hand over the copies of original Documents including a copy of possession receipt to the Petitioner in respect of allotment of Gat No.121/1b situated at Village Shirdhon, Taluka Pandharpur, District Solapur to the Petitioner forthwith;

(c) That by an appropriate writ, order or direction of this Hon'ble Court, an appropriate action be initiated against the Respondents for causing a gross delay in handing over possession of the agricultural land to the Petitioner who is a project affected person.”

2. According to the petitioner, in the year 1976, his land was acquired for the purpose of Ujani Dam. Like other farmers in Indapur as well as Karmala Taluka, the petitioner was also given alternate land. So far as the petitioner is concerned, such land was identified at Village Shirdhon, Taluka Pandharpur in the District of Solapur being Gat No.121/1b admeasuring 1 H 20 R.

3. The petitioner relies upon an order dated 11th March 2013 made by the Additional Collector, Solapur directing Tehsildar (Rehabilitation), Pandharpur to complete the entire process of allotment in favour of the petitioner and comply the same within 15

days. Till this date, according to the petitioner, there is no difficulty whatsoever. But after this date, in the records placed before us from Exhibit “D” / page 17 onwards, none of the documents are dated. Therefore, the petitioner would be in a difficult position to get his name entered in the revenue records since none of these documents are dated.

4. We note that Exhibit “D” pertains to year 2012, but subsequent document is recommendation of Additional Collector for allotment of alternate land is in the year 2013. We fail to understand how these documents, though do not have the date and month but have the year as 2012, could be handed over to the petitioner. If such proceedings did take place since the petitioner also has affixed his signature to some of the documents, he could have put the date on which he signed the document. Even otherwise, if he thinks this was officially given to him, he could have asked for information under RTI, which he has not chosen to do till now.

5. On the other hand, learned counsel for the petitioner insists upon calling for the original of the documents from Exhibit “D” onwards. In the absence of any authenticity to the documents, if he sought for consequential relief of allotment strictly in compliance with the order at Exhibit “A”, it is one thing. Now based upon these documents from Exhibit “D” onwards, he wants such direction to

mutate his name in the revenue records. Exhibit "A" only indicates his entitlement for allotment of 1 H 20 R in a particular plot number and the rest of things will have to be complied with by the revenue officials. As to whether Exhibit "D" onwards are really done by the revenue officials, we cannot opine so at this stage. If at all the petitioner was put in possession of some land by virtue of these documents, he has to establish the same before the authority who is to mutate his name in the revenue records. Mutation of name has to be completed strictly in accordance with the Land Revenue Code as applicable in the State of Maharashtra.

6. Learned counsel for the petitioner also refers to the order dated 30th September 2015 in Writ Petition No.3331 of 2014. Though the order may be with regard to the consequential exercise to be done by the department concerned after allotment order dated 11th March 2013, the problem of undated document does not exist in this said order. Therefore, we are of the opinion that the facts which compelled the learned Judge to pass the order, i.e. non-filing of affidavit in reply by the Government, may not be followed in this matter since we have analysed the matter with reference to the factual situation.

7. In the light of the above factual situation, we fail to understand how we can grant any of the reliefs sought in the writ petition. Declining to entertain the reliefs sought in the writ

petition, we make it clear that the writ petitioner is at liberty to pursue the matter strictly in accordance with the Land Revenue Code applicable in the State of Maharashtra.

8. The writ petition is disposed of with the aforesaid observations.

(M.S. SONAK, J.)

CHIEF JUSTICE