

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5595 OF 2015

Sanjiv Ratnakar Bambale ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Swapnil Mhatre i/b. S.S.Kulkarni for the petitioner.

N.P.Deshpande, Addl.G.P for the State.

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

DATE : 13th December 2016.

PC. :

The petitioner before this Court is seeking an alternative land in lieu of acquisition of land belonging to his family. It is not in dispute that in the year 1983 the land belonging to the family of the petitioner was acquired and at that time the father of the petitioner was shown as project affected person. The affidavit-in-reply and the annexures thereto at pages 129 onwards indicate that an application was made by the father of the petitioner and the alternative land was identified and given to him. It is Gat No.804 at village- Ranjani, Taluka- Ambegaon, District- - Pune. It is also

pertinent to mention that while describing the family members of the PAPs, name of the petitioner was also included as family member. However, in the present petition, except mentioning in para-5 thereof that petitioner's family members were 11 in number at the time of acquisition of their family land and that the father of the petitioner, namely, Shri Ratnakar Ramchandra Bambale was the Karta of Hindu Undivided Family, nowhere the petitioner has mentioned that an application was made by the Karta of the family and the land bearing Gat No.804 at village- Ranjani, Taluka- Ambegaon, District- Pune was allotted to to him in lieu of acquiring their land for Dimbe Dam Project. There are particulars of the family of the petitioner and the land they were owning as also the entitlement of the family, but nothing is said about the allotment of land in the name of Ratnakar Ramchandra Bambale who is the father of the petitioner.

2. If it is the case of the petitioner that father of the petitioner was allotted land less than what he was entitled to, then the petitioner must make an application indicating what was the land they were entitled to and what is the land deficit i.e. further entitlement of the family. While describing so he must also explain who are the other members of the family who are entitled to the land in question along with him. He cannot make such application in his individual capacity that too when his case is that he belongs to the joint family of which Ratnakar Ramchandra Bambale was the Karta

at the relevant point of time. In the absence of such details, in all probability, his application becomes incomplete for want of better particulars. In that view of the matter, as we see there are other family members, which fact is also indicated by the annexures at pages-129 onwards of the affidavit-in-reply filed by the respondent authorities, we permit the petitioner to make fresh application with all particulars. If he has already made such application but not given all the particulars, then he is permitted to furnish all the details which are required for consideration of the said application. We leave it to the option of the petitioner either to give all the details in the application already made or to make fresh application with all particulars to the District Rehabilitation Officer who shall consider the same strictly in accordance with the procedure contemplated. Such option shall be exercised by the petitioner within four weeks from today. Once such application is made by the petitioner and all particulars are furnished, the District Rehabilitation Officer shall dispose of the same within two months thereafter.

3. With the aforesaid observation and direction, the petition is disposed of.

(M.S.SONAK, J.)

CHIEF JUSTICE