

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4674 OF 2012**

Dattatraya M. Patil and ors. .. Petitioners
V/s.

Collector and Deputy Director
for Rehabilitation, Kolhapur
Dist. Kolhapur and ors. .. Respondents.

Mr Kedar Lad i/b P.D. Davli for the Petitioner.
Ms S.S. Bhende, AGP for the Respondent-State.

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

DATE : 29 NOVEMBER 2016.

P.C.

1] The petitioners claim that the lands owned by them were submerged in the backwaters of the Doodhganga Irrigation Project, completed some time in the year 1987. Relying upon the provisions of the Maharashtra Resettlement of Project Displaced Persons Act, 1976 and the Maharashtra Project Affected Persons Rehabilitation Act, 1986, the petitioners seek allotment of land, as and by way of resettlement. The petitioners submit that the land admeasuring 7 Hectares 85 Ares is available at Gat No. 682 in the village Bamani, Taluka Kagal, District Kolhapur and since, such land is owned by the Government, it is easily possible for the respondents to allot the same to the petitioners as and by way of resettlement and rehabilitation measure. The petitioners submit that the petitioners have formed an Union and through such Union submitted a representation dated 11 April 2012 to respondent No.2, which is the appropriate authority seeking such

allotment/rehabilitation. The petitioners, however, submit that till date, none of the respondents, despite being obligated to do so in terms of the legislations referred to earlier as also the policy of the State Government, have bothered to even consider the representation made by and on behalf of the petitioners.

2] Although, this petition was instituted in the year 2012 and by order dated 18 July 2012, it was made clear that this petition would be disposed of at the stage of admission itself, the respondents have not bothered to file any response to this petition. Therefore, at least, as of now, we will have to proceed on the basis that the petitioners' lands were submerged on account of Doodhganga Irrigation Project. There is also no dispute raised by the respondents that the petitioners through their Union have addressed a representation dated 11 April 2012 seeking relief of allotment of land as and by way of resettlement and rehabilitation. There is nothing on record to indicate that such representation has been considered by the respondents and some decision in this regard communicated to the petitioners.

3] At this stage, we are not going into the issue as to whether the petitioners are entitled to relief of allotment of plot as and by way of resettlement and rehabilitation. However, we do not appreciate, the inaction on part of the respondents in not even deciding the representation for this length of time. If, the petitioners are indeed project affected persons, then, it is imperative that the respondents are sensitive to their demands of

resettlement and rehabilitation, particularly, as the State has itself enacted 1976 and 1986 legislations with regard to resettlement and rehabilitation. The least which is expected from the respondents is that the representation made by and on behalf of the petitioners should be disposed of expeditiously and in accordance with law, so that the petitioners are clear as to whether they will be provided lands or not. In case or for any reason, the respondents are of the opinion that the petitioners are ineligible for allotment of plots or for benefits of resettlement or rehabilitation, even then, it is necessary that the respondents to take some decision in the matter and communicate such decision to the petitioners, so that the petitioners can take further legal recourse, in case, they are not satisfied with such decision. However, the respondents cannot, simply refuse to decide such matters or postpone the decisions on such matters unreasonably and indefinitely.

4] Accordingly, we direct the respondents to dispose of the representation dated 11 April 2012, which has in fact been annexed and marked as Exhibit-A to this petition, within a period of four months from today, in accordance with law and on its own merits. In addition to the representation at Exhibit-A, the respondents are directed to treat the memo of petition also as an additional representation and to dispose of the same in accordance with law and on its own merits. The respondents to afford opportunity of hearing to the petitioners before any decision is taken on such representation. For this purpose, the

petitioners are directed to appear before the District Rehabilitation Officer- respondent No.2 on 19 December 2016 at 3.00 p.m. and thereafter to produce an authenticated copy of this order. Respondent No.2 or any of the other respondents authorised to take a decision in this matter, are thereafter at liberty to fix an appropriate date for afford of hearing to the petitioners or their representatives. The respondents are directed to take and communicate their decision to the petitioners within the aforesaid period of four months from today.

5] In case, the petitioners are not satisfied with the decision, they shall be at liberty to take out such further proceedings, as they may be advised.

6] Since, considerable time has already elapsed, it is expected that the respondents will comply with the time schedule now set out in all seriousness and dispose of the petitioners' representation within a period of four months from today.

7] Rule is made partly absolute to the aforesaid extent. There shall, however, be no order as to costs.

8] All concerned to act on the basis of authenticated copy of this order.

(M.S.SONAK, J.)

(CHIEF JUSTICE)