

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10818 OF 2012
AND
CIVIL APPLICATION NOS. 3247 AND 3248 OF 2015**

Rony Jocky D'Souza and another. ... Petitioners.

V/s.

The Collector and Deputy Director for
Rehabilitation (Land), Kolhapur and others. ... Respondents.

WITH

**WRIT PETITION NO. 10452 OF 2012
AND
CIVIL APPLICATION NO. 3245 AND 3246 OF 2015**

Shivaji Govind Kamble and others. ... Petitioners.

V/s.

The Collector and Deputy Director for
Rehabilitation (Land), Kolhapur and others. ... Respondents.

PD.Dalvi for the Petitioners/Applicants.

N.P.Deshpande, AGP for the State.

Rohit Mangsule i/b. Pandit Kasar for Respondent Nos.5A & 5C
in WP No.10818/12.

VB.Rajure for Respondent Nos.5A to 5C in WP No.10452/12.

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

DATE : 24th October 2016.

PC. :

1. Rule in each of these petitions. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2. The petitioners claim to be project affected persons (PAPs). They submit that their representations dated 11.09.2012 and 11.07.2008 for allotment of alternate suitable land is not being disposed of by the respondents. They submit that they are required to be rehabilitated in land Survey No. 175 of village Uchagaon, Taluka Karveer, District Kolhapur, however, on the plea that there is some litigation concerning this land, the rehabilitation is unduly postponed.

3. There is no serious dispute that the lands of the petitioners were required some 24 years ago. The petitioners have placed on record correspondence with regard to the issue of their eligibility for obtaining alternate suitable land. However, at this stage, it will not be appropriate for us to decide on the issue of petitioners' eligibility to obtain alternate suitable land. At the same time, there no justification on the part of respondents to not dispose of the petitioners' representations dated 11.09.2012 and 11.07.2008. In fact, it is the duty of the respondents to dispose of such representations within reasonable period, so that the petitioners

whose lands have been acquired, clearly know their position in the matter of rehabilitation.

4. Accordingly, we direct the respondents to dispose of the petitioners' representations dated 11.09.2012 and 11.07.2008, in accordance with law and on their own merits. In case, the representations are deficient in details, then, the respondents may treat the present petitions as supplementary representations and dispose of the same in accordance with law and on their own merits.

5. In case, the petitioners do not insist upon rehabilitation in Survey No. 175 Uchagaon since there are disputes pending in that regard, it will be open to the petitioners to indicate whether they are willing to accept alternate lands at some other location. Such option to be duly considered by the respondents.

6. The above exercise must be completed within a period of twelve weeks from today. The respondents to consider whether the petitioners are eligible to get alternate lands and if so, determine the location of said lands and thereafter make appropriate orders with

regard to the allotment of the same.

7. We clarify that all such issues are left open for determination by the respondents within a period of twelve weeks from today. The decision to be communicated to the petitioners within this period of twelve weeks.

8. In case, the petitioners are aggrieved by the decision, needless to state, that they shall be at liberty to take out appropriate proceedings in order to question the same.

9. Rule in each of these petitions is disposed of in the aforesaid terms. There shall be no order as to costs.

10. In view of disposal of main petitions, the civil applications do not survive and the same are disposed of accordingly.

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

(M.S.SONAK, J.)

(CHIEF JUSTICE)