

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11233 OF 2014

Navnath Rambhau Devdare .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Ms. Shakuntala S. Wadekar for the petitioner.
Mr. N.P. Deshpande, AGP for the respondent – State.

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

DATE : 13th DECEMBER 2016

P.C.:

Heard learned counsel for the petitioner as well as the learned A.G.P. for the State.

2. Learned counsel for the petitioner brings to our notice non-compliance of directions dated 29th August 2016. Keeping such objection raised by the petitioner's counsel in mind, we went through the affidavit filed on behalf of the respondent State explaining the obstacles or impediment coming in the way of considering the application of the petitioner.

3. Initially when father of the petitioner was managing the land in question, it got acquired for Chaskaman Project. An award

came to be declared as earlier as 16th September 1986. However, a representation was made for getting alternate land for the first time in the year 2013. According to the respondents, the petitioner has not explained the delay in filing the writ petition. According to the petitioner, similar writ petition came to be filed being Writ Petition No.1668 of 2013 which is annexed as Annexure-2, and according to the respondents, it was dismissed on the ground of delay in terms of the order dated 4th February 2013.

4. The present writ petition came to be filed seeking several reliefs including the relief of a writ of mandamus directing the respondent authority to consider the application for grant of alternate land in lieu of acquisition of land in 1986. According to the respondents, the project affected person first has to establish that he is project affected person and is entitled to get alternate land. Apart from that, he has to declare and confirm that except the applicant, there are no other persons who are entitled to claim share in the land. One more thing which he must establish is that the total holding of PAP is not in excess when the land was acquired. In order to facilitate the office of the Deputy Collector, Rehabilitation, all these facts have to be looked into to ascertain whether upon allotment of land, his holding exceeds the economic holding.

5. It is contended on behalf of the respondents that the petitioner's application lacks all these material particulars since

many of the columns are left blank. In the light of the fact that the petitioner has not paid the occupancy price and has not produced any materials which are required for consideration of his application including the proof of number of family members in his family at the time of acquisition in order to ascertain the entitlement to which he is entitled to, we cannot blame the respondent authority in not considering the petitioner's application. As could be seen from the copy of the application annexed to the petition, many columns in the application are blank. We do not know at this stage whether the required documents are annexed or not. On the other hand, the respondents' affidavit indicates that many particulars are not given in the application. In the light of paras 4, 5 and 6 of the affidavit filed today, we are of the opinion that there must be proper application with all particulars and then only we can point out whether there is any specific reason for the respondents not to consider the application.

6. In the light of the fact that several earlier writ petitions are filed for the same relief, in order to put an end to such repeated writ petitions being filed, we direct the respondent authority to call upon the petitioner to furnish the details which are lacking in his application, within 15 days from today. The petitioner shall comply with the directions of the respondent authority (Rehabilitation Officer) within 2 weeks thereafter. After furnishing such details, as stated above, the concerned authority shall proceed to consider the

application by strictly adhering to the procedure contemplated and dispose of the application within 2 months thereafter.

7. The writ petition is disposed of with the aforesaid directions.

(M.S. SONAK, J.)

CHIEF JUSTICE