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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
WRIT PETITION NO.11057 OF 2013
WITH
CIVIL APPLICATION NO.519 OF 2015

Mansingh Genu Roman
and others ...Petitioners
vs.
The Collector,
Satara District & Ors. ...Respondents

Mr.Arun Nimbalkar for the Petitioners
Mr.V.S.Gokhale, AGP for the respondent Nos.1 to 5.

CORAM : A.S.OKA, &
C.V.BHADANG, JJ.
DATE : JANUARY 11, 2016

P.C.:

1 Heard the learned counsel for the petitioners. The petitioners are relying upon the report submitted to the Vidhan Sabha on 19th July 2000 which according to the petitioners record that the lands which were acquired for rehabilitation of the project affected persons of Dhom Project in District Satara should be returned to the original owners. The challenge in this petition under Article 226 of the Constitution of India is to the action taken report dated 15th October 2003 submitted by the District Collector to the Deputy Secretary of the Revenue and Forest Department. The action taken report records that the acquired land cannot be returned to its original owners.

2 The submission of the learned counsel for the petitioners is that the acquisition of the lands held by the petitioners was not legal and valid. He submitted that on the basis of the grievance made by the petitioners, the Vidhan Sabha had constituted a Committee headed by Shri Pramod Shende and the report submitted by the said Committee recommends return of the acquired lands to the petitioners. He urged that the Collector could not have acted contrary to the said report and record a conclusion that the acquired lands cannot be returned. His submission is that there are no proper Awards made under section 11 of the Land Acquisition Act, 1894 (for short 'the said Act') and the acquisition proceedings are illegal. There is an affidavit in reply tendered by Smt. Smita Pradip Pawar, the Tahsildar (Resettlement), Satara in which it is stated that the acquisition was completed in 1976 by making Awards under section 11 of the said Act.

3 We have considered the submissions. In this petition there is no challenge to the legality of the acquisition proceedings. The petitioners are seeking implementation of the report dated 19th July 2000 submitted by a Committee to the Vidhan Sabha which according to the petitioners recommends that the acquired lands be returned to the original owners.

4 The law on this aspect is very clear. It is laid down in several decisions including the decision of the Apex Court in the case of State of

Kerala and others vs. M. Bhaskaran Pillai and another¹. The law is that once on completion of the acquisition proceedings the acquired lands vest in the State Government, the same cannot be returned to the original owners even if the same are not required for any public purpose. If the State Government wants to allot the lands to the original owners, the same can be done only in terms of the Disposal of Land Rules framed under the Relevant law.

5 Therefore, we do not find any fault with the recommendations of the District Collector that the acquired lands cannot be returned to the petitioners.

6 Hence, no case is made out for interference in writ jurisdiction under Article 226 of the Constitution of India. Writ petition is rejected. Pending civil application does not survive and the same is disposed of.

(C.V.BHADANG,J.)

(A.S.OKA,J.)

1 AIR 1997 SC 2703