

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6292/2016

Amol s/o Bhimrao Ingle

...Versus...

The State of Maharashtra, through its Secretary, Revenue and Forest
Department, Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.B. Kalwaghe, Advocate for petitioner
Shri A.S. Fulzele, Addl. G.P. for respondents

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 21.12.2016

By this petition, the petitioner seeks a direction against the respondent no.2 – Collector – District Rehabilitation Officer, Buldhana to grant alternate land or plot to the petitioner, in view of the provisions of Section 16 (2) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 and complete the entire process within the stipulated time.

Since the award was passed in the year 2006 and the possession of the land of the petitioner was taken in 2007, the petitioner would not be dis-entitled to the relief in view of the law laid down by this Court in the judgment, reported in **2014 (5) ALL MR 709**, which holds that the right to rehabilitation cannot be granted to a person who approaches the Court after several years after the acquisition of the land.

In the instant case, the acquisition is not very stale and the respondent nos.2 and 3 have admitted in the affidavit-in-reply that if the petitioner makes an application for grant of alternate plot or land, the respondents would consider granting an alternate plot or land to the petitioner, in terms of the provisions of the Act of 1999 after issuing notice under Section 16 (2) of the Act and complying with the other procedure.

Since the claim of the petitioner is admitted, in the circumstances of the case, we direct the respondents to consider allotting an alternate land or plot in favour of the petitioner, if the same is available in the benefited zone, positively within one year.

The writ petition is disposed of in the aforesaid terms with no order as to costs.

JUDGE

JUDGE

Wadkar