

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1203 OF 2017**

**Niyojit Shree Chatrapati Shahu
Magasvargiya Grahnirman Sahakari
Sanstha, Mydt. Kagal
Through its Chief Promoter
Shri Vinod Bakka Waghela**

: Petitioner.

versus

State of Maharashtra and ors.

: Respondents.

Mr. Manoj G Patil for the Petitioner.

Mr. S D Rayrikar, AGP, for the Respondents/State.

CORAM : R. M. SAVANT, J.

DATE : 02nd February 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the communication dated 19/09/2016 addressed by the Collector, Kolhapur to the Petitioner. By the said communication the Collector, Kolhapur has informed the Petitioner that it's request for allotment of 5 acres of land from Revisional Survey No.425 of Kagal cannot be acceded to in view of the fact that the said land being acquired under the Agricultural Land Ceiling Act, 1961 is earmarked for allotment to the persons who have been rendered landless.

2 The challenge to the said order is on the ground that out of the said land 3 hectares and 62 ares has been allotted to the Pune Housing and Area Development Authority which is a regional board established under the Maharashtra Housing and Area Development Authority, 1976. The cause for

addressing the said communication dated 19/09/2016 was the fact that by the order dated 20/07/2016 a Division Bench of this Court had directed that an appropriate decision should be taken on the application dated 14/12/2009 made by the Petitioner to the Collector Kolhapur for allotment of the land out of the said Revision Survey No.425. It is the contention of the Petitioner that whilst the request of the Petitioner has not been acceded to on the ground that the land is earmarked for allotment to the persons who have been rendered landless, the Respondent No.3 i.e. the Pune Board has been allotted the land.

3 In my view, on acquisition of the said land under the said Ceiling Act, 1961, the same vests in the State Government. It is for the State Government to allot the land as per its priorities. The Respondent No.3 implements projects of public housing. The Petitioner obviously cannot have a right in respect of a particular land. In my view, therefore, the challenge in the above Petition to the allotment of the land to the Respondent No.3 is misconceived. Hence no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed. However, it would be open for the Petitioner to apply to the Collector, Kolhapur for allotment of some other land which request the Collector, Kolhapur may consider in terms of the directions as contained in the order dated 20/07/2015 passed by the Division Bench of this Court.

[R.M.SAVANT, J]