

Sitaram Babu Patil and Ors. } Petitioners
versus
**The Collector and Deputy }
 Director for Rehabilitation, }
 Collector Office, Nagala Park, }
 Kolhapur and Ors. } Respondents**

Mr. V. N. Sagare-AGP for State.

DATE :- SEPTEMBER 19, 2017

1. The petitioners claim to be project affected persons of Doodhganga Medium Irrigation Project. According to them, after eviction from their original places, now they are staying in the command areas of Doodhganga Project. According to them, though petitioner no. 1 is allotted land, there is a shortfall of 0.81 ares, which is not yet given after several requests and demand right from January, 2016. Similarly, petitioner no. 2 is the legal heir of one Dattatraya, whose land was acquired for the project. So far as the second petitioner, there is a shortfall of 0.17 ares of land and he has also not been allotted the land in spite of several

requests and demand. Similar is the case of petitioner no.3, who is allotted the land, but there is a shortfall of 0.20 ares. According to the petitioners, in spite of several requests and demand, the respondent authorities i.e. the Rehabilitation and Settlement Officer has not looked into their need for making good the shortfall of the land allotted to them and therefore, they are before this court.

2. It is needless to say that when the allotment of land is made, the procedure to be adopted is well indicated in the Maharashtra Project Affected Persons Rehabilitation Act, 1989, so also in the schemes and policies of the State. Depending upon the measurement of the land lost and the family members, the alternate land has to be allotted. The petitioners claim shortfall of land. The application cannot be kept pending forever without applying the mind to the demand made by the petitioners. The concerned officer has to look into the application and dispose of the same either positively or rejecting the claim. Whenever rejection is made, they have to give reasons why the petitioners are not entitled for the claim made by them. Since well knitted procedure is in existence, we fail to understand the attitude of the respondent authorities in not attending to the duties and responsibilities attached to their office and why they should

compel the petitioners to approach this court again and again for allotment of either the land or complaining shortfall of allotment.

3. We direct the respondent Rehabilitation Officer to treat this writ petition as an application of the petitioners and dispose of the same by a reasoned order, either allotting the land or rejecting the application strictly adhering to the procedure and rules contemplated for the purpose. Such exercise has to be completed within a period of three months from today.

4. It is made clear that we have not expressed any opinion so far as the entitlement of the petitioners.

5. With the aforesaid directions, the writ petition is disposed of.

(N. M. JAMDAR, J.)

(CHIEF JUSTICE)