

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3468 OF 2015

Shri Santosh Babu Neharkar.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH

WRIT PETITION NO.3469 OF 2015

Shri Razzak Hussain Pathan.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH

WRIT PETITION NO.3470 OF 2015

Smt. Vimlabai Sitaram Neharkar.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH

WRIT PETITION NO.3471 OF 2015

Smt. Nita Khanderao Bhujbal.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH

WRIT PETITION NO.3472 OF 2015

Smt. Manabai @ Dwarkabai Gangaram	]	
Jadhekar.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH
WRIT PETITION NO.3473 OF 2015

Shri Gajanan Naguji Durafe.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH
WRIT PETITION NO.3474 OF 2015

Shri Narayan Janaji Durafe.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH
WRIT PETITION NO.3475 OF 2015

Shri Deoram Baburao Durafe.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH
WRIT PETITION NO.3476 OF 2015

Shri Dattatray Gopal Varhadi.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH
WRIT PETITION NO.3477 OF 2015

Shri Baban @ Babusa Maruti Tajane.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH
WRIT PETITION NO.3478 OF 2015

Smt. Kantabai Vasant Shinde.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH
WRIT PETITION NO.3479 OF 2015

Shri Satyawar Gajanan Tajane.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

ALONG WITH
WRIT PETITION NO.9353 OF 2016

Smt. Anjanabai Dulaji Duraphe.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

Mr. Suresh M. Sabrad for Petitioners in all Writ Petitions.
Mr. P. G. Sawant, AGP for State in all Writ Petitions.

CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.

DATE :- 16 MARCH 2017

P. C. :-

1. In all petitions, the grievance of the petitioners is, their applications for alternate land came to be rejected on the ground of non-depositing 75% of the compensation determined or received. Though the award of acquisition pertaining to the lands of the

petitioners came to be declared in the year 1976, till date, there is no allotment of alternate lands. There is also no denial of receipt of compensation amount.

2. From time to time, Government of Maharashtra has come out with schemes for benefit of project affected persons wherein they have to offer or make the land losers aware of the option of seeking alternate land subject to payment of occupancy price amount determined by the policy under the scheme. The very fact that applications for allotment of alternate land came to be rejected on the ground of non-deposit of occupancy price amount, would mean the scheme was applicable to the present petitioners also. However, in the affidavit-in-reply, nowhere the person who has sworn the affidavit i.e. Deputy Collector (Resettlement), has stated issuance of notice required under Section 16 (2) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 though such ground is raised in the Writ Petition at para 11B by way of amendment. In that view of the matter, we are of the opinion that all the petitions deserve to be disposed of in terms of order dated 7th February 2017 passed in Writ Petition No.8988 of 2013. Copy of order dated 7th February 2017 passed in Writ Petition No.8988 of 2013 be kept in all petitions.

3. Accordingly, all the petitions are disposed of.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)