

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4309 OF 2015**

**Shri Dnyanoba Devji Birdavade & Ors
Vs.**

..Petitioners

The State of Maharashtra & Ors

..Respondents

Mr. S. M. Sabrad for the Petitioners

**Mr. N. P. Deshpande Additional G. P. a/w Mrs. V. S. Nimbalkar AGP for the
Respondent Nos.1 to 5**

CORAM : R. M. SAVANT, J.

DATE : 16th FEBRUARY, 2017

P.C.

1 The order dated 20-12-2014 passed by the Respondent No.2 rejecting the application filed by the Petitioners for deleting the entries from other rights cloum in the 7/12 extract of the land bearing Gat No.2517 admeasuring 49 R and Gat No.473 admeasuring 31 R situate at Mouje Chakan, Taluka Khed, District Pune, is taken exception to by way of the above Petition. The said lands of the Petitioners were in the benefited zone of Bhama-Askhed Irrigation Project. The lands were notified under Section 11 of the Maharashtra Resettlement of Project Affected Persons Act 1976, (for short the said Act) along with other lands. However, the lands remained to be acquired and in fact acquisition proceedings have lapsed with the efflux of time. Notwithstanding the lapsing of the acquisition proceedings, in the 7/12 extract of the lands in question, the remark that the lands were meant for resettlement of project affected persons continues. This resulted in the

Petitioners filing an application for deletion of the said remark from the 7/12 extract.

2 On behalf of the Respondents an affidavit in reply has been filed by one Mr. Anil Shivaji Karande, the Tahsildar and Resettlement Officer, Kukadi Project, Pune. It is admitted in the said affidavit that the acquisition proceedings have lapsed but since the lands were notified under Section 11 of the said Act, they continue to be shown in the other rights column as meant for the resettlement of the project affected persons.

3 On behalf of the Respondents, the Learned Additional G. P. Mr. Deshpande would submit that unless the notification is issued which would be on the basis of the input given by the acquiring authority deleting the land from the benefited zone, the remark cannot be removed. However, the Learned Additional G.P. Fairly draws this court's attention to an order passed by a Division Bench of this Court (Shri Kanade J. and Shri Gupte J.) in Writ Petition No.5207 of 2013 dated 17-9-2013. The Division Bench by the said order has rejected the contention urged on behalf of the Respondents that unless the notification was issued the remark could not be deleted by observing that issuance of the notification is a mere formality and cannot deprive the land holder from the benefit of the deletion of the remark from the revenue extract. The Division Bench further issued a direction to the

authorities to delete the entry made in the revenue record of the lands of the Petitioners therein as expeditiously as possible and within a period of 4 weeks .

4 In the light of the order passed by the Division Bench, the above Petition would have to be allowed and is accordingly allowed in terms of prayer clause (a). The authorities are directed to delete the entry expeditiously and not later than 8 weeks from date. With the aforesaid directions the Writ Petition is disposed of.

[R.M.SAVANT, J]