

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.7131 OF 2016

Bhimabai Manu Kamble (Since Deceased)	]	
Smt. Chandrabai Shankar Kamble.	]	... Petitioner

Versus

State of Maharashtra & Ors.	]	... Respondents
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Mr. Tanaji Mhatugade for Petitioner.
Ms. S. S. Bhende, AGP for State.

**CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.**
DATE :- JANUARY 17, 2017

P. C. :-

1. The petitioner claims to be a project affected person of Chandoli Abhayranya Project situated at Village - Gotane, Taluka - Sangameshwar, District - Ratnagiri. The land which was the subject-matter of acquisition and belonging to the petitioner was situated at Village - Nivale, Taluka - Shahuwadi, District - Kolhapur, bearing Gat No.192, admeasuring 1 Hectare and 67 Ares which was cultivated by the petitioner's father and was also having a residential house. As regards this land acquisition, a notification under Section 4 (1) of the Land Acquisition Act, 1894 ('the Act') was issued on 6 November 1997. After following the requisite procedure, an Award was made.

In pursuance of the Award, on 2 November 2011, a notice was issued by Sub-Divisional Officer, Ichalkaranji Division, under Section 12 (2) of the Act.

2. The petitioner, thereafter, deposited 65% of the amount with the respondents for allotment of a resettlement land to the petitioner. The same is acknowledged by the concerned officer as the resettlement amount. The petitioner has also filed necessary declaration and documents claiming allotment of land being a project affected person.

3. The petitioner has contended that one Bhau Dhula Gula had approached the Additional Commissioner, Pune Division, Pune, with an application under Section 48 (1) of the Act requesting for deleting the acquisition in respect of his land bearing Gat No.778, admeasuring 0.81 Ares and to acquire an alternate land bearing Gat No.1113. This application was allowed by the Additional Commissioner by an order dated 21 June 2001 and the same was forwarded to the Collector / Deputy Director, Resettlement (Land), Kolhapur. The petitioner's contention is that her land bearing Gat No.1113, as surrendered by Bhau Gula, is thus available for allotment to the project affected persons and, therefore, the same is required to be allotted to the petitioner for resettlement.

4. Considering the above facts, admittedly, the petitioner has stated to have completed the formalities of making an application requesting for allotment of an alternate land for resettlement. This

application is pending with the State Government. In the circumstances, we find it appropriate that this Writ Petition itself be treated as the petitioner's representation to the State Government to decide the pending application of the petitioner for allotment of land as a project affected person. Accordingly, it is directed that this representation be considered by the respondents and the same be decided in accordance with law, within a period of six weeks from today.

5. The Writ Petition is, accordingly, disposed of in the above terms. No order as to costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)