

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5416 OF 2014

Ramchandra Krishna Shinde
(since deceased through Lrs)
Sainabai Ramchandra Shinde. ... Petitioner.

V/s.
Collector and Deputy Director of
Rehabilitation and others. ... Respondents.

WITH
WRIT PETITION NO. 3314 OF 2014

Vijaykumar Annaso Magdum and another. ... Petitioners.
V/s.

The Additional Collector, Resettlement,
Kolhapur and others. ... Respondents.

PD.Dalvi for the petitioner in WP No.5416/2014 and for
respondent No.2 in WP No.3314/2014.

Amit Borkar for the petitioner in WP No.3314/2014.

Mrs.M.P.Thakur, AGP for the State.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND N.M. JAMDAR, J.**

DATE : 18th July 2017.

P.C. :

Writ Petition No.5416/2014 is filed by one Ramchandra
Krishna Shinde seeking allotment of land in Gat No.1397/A

admeasuring 1 Hectare 21 Ares situated at village- Herle, taluka- Hatkanangale, district- Kolhapur. Writ Petition No.3314/2014 is filed by Vijaykumar Annaso Magdum and another, the subsequent purchaser of the above land bearing Gat No.1397/A. It is not in dispute that initially there was allotment of land bearing Gat No.1397/A in favour of the petitioner- Ramchandra Krishna Shinde. However, since he was not put in possession of the said land, he came with Writ Petition No.5416/2014. During the pendency of this petition, Ramchandra Krishna Shinde was allotted with an alternate land bearing Gat No.6/2 of village- Shirdhon, taluka- Shirol, district- Kolhapur instead of land bearing Gat No.1397/A. It is also not in dispute that subsequent to the said allotment of Gat No.6/2 the allottee sold that land in favour of the third party.

2. Since the allottee of land Gat No.1397/A is happy with the allotment of Gat No.6/2 admeasuring 1 Hectare 21 Ares, we are of the opinion that we need not consider further individual stand of the parties before this Court since the purpose of filing the application is to get the land allotted, since he is satisfied with the allotment of land bearing Gat No.6/2. Once he gets the said land, we are of the opinion that the reliefs sought in Writ Petition No.5416/2014 cannot be entertained. If Writ Petition No.5416/2014 is not allowed as sought in the prayer clauses, automatically the consequence would be that the other petition i.e. Writ Petition No.3314/2014 need not be considered since the State is taking up a stand that though Gat No.1397/A was subject matter of

section 4(1) notification followed by section 6(1) notification, it did not end with an award under section 11 of the Land Acquisition Act. Therefore, by operation of law, the acquisition lapses for want of passing of award within a prescribed time. In that view of the matter, the State cannot use the land bearing Gat No.1397/A for the purpose of allotting it to the project affected persons or for any other public purpose. In case they need the said land, they have to initiate acquisition proceeding afresh.

3. With the aforesaid observations, both the petitions are disposed of.

(N.M. JAMDAR, J.)

CHIEF JUSTICE