

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5786 OF 2015

Babulal Punaji Bambale. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

S.S.Kulkarni for the petitioner.

Ms.S.S.Bhende, AGP for the State.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI , J.**

DATE : 13th February 2017.

PC. :

The land of the petitioner was acquired for Dimbhe Dam Project. The land was situated at village Borghar, taluka-Ambegaon, district- Pune. On 15th July 1996, the petitioner had made an application to respondent No.2- District Rehabilitation Officer, for grant of an alternate land in the Rehabilitation Scheme under the Maharashtra Resettlement of Project Displaced Persons Act, 1976 ("Act of 1976" for short). According to the petitioner, the Rehabilitation Officer, vide his letter dated 31st August 1996, asked the petitioner to submit certain further details which came to be

supplied by the petitioner. However, the petitioner's name was not appearing in the Sankalan Register maintained by the District Rehabilitation Officer. Thereafter, the petitioner pursued his application for grant of alternate land, however, the application of the petitioner was not considered. The petitioner's case is that the petitioner was informed by the concerned officer that his application was lost and the documents were not available on record of the Rehabilitation Officer. The petitioner had also expressed his willingness to deposit 65% of compensation for allotment of an alternate land. As the application was kept pending and not decided, the petitioner lastly submitted a further application/representation dated 25th February 2015. The petitioner contends that the said application/representation is also not decided and, therefore, he has approached this Court by this petition.

2. There appears to be no dispute that the petitioner is a project affected person and has made an appropriate application for allotment of alternate land, the first application being of 15th July 1996. All the necessary documents were also placed on record of the Rehabilitation Officer. However, the application of the petitioner for no reason is kept pending and not decided. The petitioner surely has a legal right under the said Act of 1976 to seek an alternate land being a project affected person. His application/representation is, therefore, required to be considered by the respondent authority

under the provisions of the said Act and in accordance with law.

3. In the circumstances, we consider it appropriate to direct respondent No.2 to decide the application/ representation of the petitioner dated 25th May 2015 for allotment of alternate land. In addition, we also direct respondent No.2 to consider this writ petition as representation of the petitioner. The application/ representation be decided by respondent No.2 in accordance with law within eight weeks from the date of receipt of copy of this order. The petitioner shall approach the Rehabilitation Officer i.e. respondent No.2 on 14th March 2017 at 11.00 a.m. along with copy of this order.

4. With the aforesaid directions, the petition is disposed of. No costs.

(G.S.KULKARNI, J.)

CHIEF JUSTICE