

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11516 OF 2016

Mugutrao Nana Gaikwad. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents.

Kuldeep Patil for the petitioner.

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

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

DATE : 17th January 2017.

PC. :

The petitioner is before this Court seeking following reliefs since his grievance is that by annexure-H at page-25 dated 28th May 2015 his proposal was rejected:

“a) The Hon'ble court may pass appropriate writ/order/directions and quash and set aside impugned order dated 28/05/2015 passed by Respondent No.1 annexed as exhibit 'H'.

b) That Hon'ble court may pass appropriate writ/order/directions and direct the Respondent

No.1 to allot alternate agriculture land to the petitioner admeasuring 2 hectors and 40 R at village Hingangaon Budruk, Tal. Khanapur, Dist: Sangli as per proposal dated 16/06/2014 and proposal dated 01/09/2014 at exhibit 'E' and 'G' respectively.”

2. In brief, the facts leading to file present petition are that the petitioner was holding the land admeasuring 5 hectares and 45 ares as Manager of the joint family. It is brought on record that on two occasions, for different purposes, the entire land of the petitioner came to be acquired and, no doubt, he has also received compensation. According to him, in terms of the procedure and the Government Resolution, he becomes a landless person and is entitled to grant of land by the Government. Accordingly, when the petitioner made an application, the District Collector, Sangli as well as the Divisional Commissioner (Rehabilitation and Re-settlement), Pune recommended his application for allotment of an agricultural land in terms of section 11(1) of the Maharashtra Re-settlement of Project Affected Persons Act, 1986. By virtue of communication dated 28th May 2015, the Section Officer, Revenue and Forest Department intimated the Divisional Commissioner regarding rejection of application of the petitioner as opined by the concerned authority as the case of the petitioner does not conform with the eligibility criteria.

3. We fail to understand as to how the Section Officer can reject the recommendations of the District Collector and the Divisional Commissioner by this communication at page-25 dated 28th May 2015. It reflects nothing but non-application of mind by the concerned authority since the said intimation does not speak about any exercise done by the concerned authority based on the recommendations of the District Collector and the Divisional Commissioner.

4. Under these circumstances, we allow this writ petition by setting aside the intimation at annexure-H dated 28th May 2015. We direct the concerned authority of the State Government to apply its mind to the recommendations made by the District Collector, Sangli and the Divisional Commissioner, Pune and dispose of the matter, strictly adhering to the procedure contemplated, within a period of three months from today.

5. Writ petition is disposed of accordingly.

(G.S.KULKARNI, J.)

CHIEF JUSTICE