

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 9048 OF 2015

Maruti Lakshman Gholap And Ors.

...Petitioners

Versus

The State Of Maharashtra Through Its Principal
Secretary And Ors.

...Respondents

Mr.Yashodeep Deshmukh i/b. Mr.Pranil Sonawane, for the Respondents.

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

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

DATE :- FEBRUARY 1, 2017

P. C. :-

1. The main contention of the petitioners before us is after their land was acquired for Chandoli Sanctuary and dam project, after identifying the land to be allotted to them, it was allotted to them and mutated their names in the revenue records, but authorities were not able to put the petitioners in possession of the land allotted to them till date on the ground that the other project affected persons are already in occupation of the said land. However, according to the petitioners, those third parties who are in occupation of this land is in excess of the holding permitted to be retained by them. At this stage, without those third parties one cannot decide the entitlement of the third parties who alleged to be in possession of the land. Be that as it may, we will not enter into the controversy whether the petitioners are entitled or the third parties are entitled for the said land. If the petitioners are project affected persons who are entitled

for alternate land in accordance with the procedure contemplated, we fail to understand why there is delay on the part of the respondent-authority.

2. In the light of the above facts and circumstance, since there is rejection of entitlement of the Petitioners at this stage, we dispose of the petition by passing the following order:-

ORDER

(I) We direct the Respondent – Authority to treat the writ petition as a representation of the Petitioner and direct them to verify the facts as averred in the writ petition and proceed to dispose of the representation regarding entitlement of the petitioners and also whether they can be allotted the land which is already allotted to them and if not, they shall allot alternate land to them if the Petitioners are entitled for the same, as also the compensation, if any.

(II) The entire exercise shall be completed as expeditiously as possible, but not later than three months from today.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)