

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION (L) NO.35536 OF 2016

Shri Nandkumar Vasant Deshpande

.. Petitioner

Vs

The District Collector & Anr.

.. Respondents

...

Mr. Drupad Sopan Patil for the Petitioner.

Mr. V. P. Malvankar, AGP 'A' Panel for the Respondent Nos. 1 and 2.

***CORAM : A. S. OKA &
ANUJA PRABHUDESSAI, JJ.***

DATE : 23 JANUARY, 2017.

P.C. :

1. On last two dates, time was granted to learned AGP to take instructions. However, he has not received any instruction.

2. The Petitioner claims to be owner of certain lands which are subject matter of this petition. It is stated that the lands subject matter of this petition were acquired under the provisions of the Maharashtra Agricultural Lands (Ceiling on Holding) Act, 1961, on the ground that the said lands were surplus lands held in excess of prescribed ceiling limit. It is

the case made out in the petition that the lands were allotted to the Maharashtra State Agricultural Development Corporation.

3. According to the case of the Petitioner, there is a policy decision of the State Government holding that the land owner whose lands have been acquired and allotted to the Maharashtra State Agricultural Development Corporation are entitled to allotment of alternate lands. Reliance is placed on the direction issued by this Court under order dated 15th October 2013 in Writ Petition No. 9652 of 2013, filed by the Petitioner and others. Order dated 15th October 2013 reads thus;

The grievance of the Petitioners is that the Respondents have not supplied Challan / Lead Form which is required to be deposited by the Petitioner/owner for the purpose of getting benefit under the re-grant scheme framed under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961. This being the only relief pressed by the Petitioners at this stage, the petition can be conveniently disposed of by directing the Collector Solapur to supply the lead form to the Petitioner and after the representation is made in the prescribed form, the same be decided as expeditiously as possible, and in any case within a period of 12 weeks thereafter. Writ Petition is decided in the aforesaid terms.

4. Reliance is placed on the publication of a proclamation dated 23rd February 2013 (Exh. B to the petition), calling upon members of the public to file objections to the proposed action of allotment of lands to the

Petitioner and others. On 17th May 2016 a notice was addressed to the Petitioner and others calling upon them to remain present for hearing. Reliance is also placed on the order dated 18th June 2016 passed by the Sub Divisional Officer, Malshiras. By the said order, the objections were overruled and directions was issued to submit a proposal to the District Collector for allotment of lands to the Petitioner and others. On 10th July/August 2016 the Sub Divisional Officer, Malshiras addressed a communication to the District Collector, Solapur, calling upon the District Collector Solapur to grant approval to the proposal prepared in form 1 which is annexed to the said letter.

5. The grievance in this petition under Article 226 of the Constitution of India is that no action has been taken on the basis of the said proposal dated 10th July/August 2016 and that the order dated 18th June 2016 has not been implemented. The learned AGP has not received any instructions as regard further steps taken on the basis of the proposal dated 10th July/August 2016.

6. Hence we dispose of the petition by passing the following order;

O R D E R

- i) We direct the Petitioner to appear before the District Collector, Solapur on 27th February 2017 at 11.am;
- ii) The petitioner shall produce a true copy of this petition along with all annexures together with an authenticated copy of this order before the Collector;
- iii) If the District Collector has already taken a decision on the basis of the said proposal dated 10th July/August 2016, the said decision shall be communicated to the Sub Divisional Officer, Malshiras Division, Akulj, within a period of two weeks from 27th February 2017;
- iv) If a decision is not yet taken, the Collector shall take appropriate decision in accordance with law within a period of two months from 27th February 2017;
- v) He shall communicate the decision to Sub Divisional Officer, Malshiras, Division Akulj and forward a copy thereof to the Petitioner. After receipt of the decision, the Sub Divisional Officer, Malshiras shall take necessary action in accordance with law for completing the process of allotment. The process shall be completed within a period of two months

from the date of receipt of the order received by the Sub
Divisional Officer, Malshiras;

- vi) The Petition is disposed of on above terms.
- vii) All concerned to Act on an authenticated copy of this
Order.

(ANUJA PRABHUDESSAI,J)

(A. S. OKA, J.)