

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4185 OF 2016

(Smt. Manda w/o Shyamrao Bhadade vs. The State of Maharashtra thr. its Secretary, Revenue and Forest Department & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
FEBRUARY 10, 2017.**

Heard Shri K.S. Motwani, learned counsel for the petitioner and Mrs. K.S. Joshi, learned Additional GP for the respondents.

2. Prima facie, we find that the land has been acquired from the petitioner for Gosikhurd Project and compensation is also paid to her. In this situation, the plot for rehabilitation ought to have been allotted in her name only.

3. The modified order of allotment dated 31.12.2013 issued to Dashrath Kisan Dhobale shows that earlier Plot No. 49 was allotted to him and thereafter by deleting his name, it has been allotted to present petitioner. If the land was never acquired from Dashrath Kisan Dhobale and no compensation is paid to him, we fail to understand why Plot No. 49 could have been allotted to him.

4. Dashrath Kisan Dhobale is not party before this Court.

5. The learned AGP has pointed out that said person has raised objection on 01.04.2015 and that objection is supported by his affidavit.

6. Merely because a stranger raises some objection and files some affidavit, if the petitioner is legally entitled to plot No. 49, the documents of title to that plot cannot be withheld. The petitioner claims that she is already placed in possession of that plot.

7. In this situation, we are not in a position to accept the defence of the respondents that they have advised the parties to approach Civil Court for resolution of the dispute inter se.

8. We direct Respondent No. 2 – Collector to inquire into the claim of the petitioner as also claim of said Dashrath Kisan Dhobale and take suitable decision upon it. Scrutiny has to be only to find out the person from whom land has been acquired, to whom compensation has been paid and, therefore, to determine the person entitled to plot No. 49.

9. The exercise be completed within four weeks from the date on which the petitioner shall appear before Respondent No. 2. The petitioner to appear before

Respondent No. 2 on 03.03.2017.

10. Needless to mention that the observations made are only for the purposes of adjudication of this controversy and it shall not influence respondent No. 2 – Collector while considering the same.

11. Writ petition is disposed of accordingly. However, in the facts and circumstances of the case, there shall be no order as to costs.

JUDGE

JUDGE

*GS.