

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2105 OF 2014

Gyanoba Devrao Sarwade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2908 OF 2014**

Lata Shripati Muley and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Mayur V. Salunke, Advocate h/f Shri V. D. Salunke,
Advocate for Petitioners in both matters.
Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 5 in both
matters.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.
DATE : 15TH OCTOBER, 2018.**

FINAL ORDER :

. The petitioner seeks directions against the respondents to implement the allotment orders dated 02.07.2009, 24.08.2009, 14.08.2009 and 12.08.2009.

2. Mr. Salunke, the learned advocate for petitioners submits that, though the petitioners have sought implementation of the order as per allotment, however, subsequently enquiry has been conducted by the office of the Collector and upon enquiry been conducted, petitioners are found entitled to the land as project affected persons as detailed in the order dated 03.04.2013 issued by the Additional Collector and Deputy Director Rehabilitation, Jalna. The petitioners have already deposited occupancy price as was directed by respondents. All other persons except the petitioners have been issued with the allotment orders.

3. The learned Assistant Government Pleader submits that, upon complaint being filed, enquiry was conducted and it was found that petitioners were allotted excess land to which the petitioners were not entitled. According to the learned A. G. P., the petitioners have not deposited the amount, nor applied within the stipulated period.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. It appears that, the challans from the petitioners for payment of occupancy price under the Rehabilitation Act are already accepted. Even otherwise it is the duty of the Collector to issue notices to such persons.

6. It appears that, upon receipt of complaints, the enquiry was conducted by the office of the Collector through the Deputy Collector cum Deputy Director Rehabilitation, Jalna. Report is submitted to the Collector Jalna in which details are given as to the extent of area the petitioners are entitled to being project affected and under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

7. In the light of that, the respondent authority i. e. the respondent Nos. 2 and 5 shall take further steps as per the report of the respondent No. 5 regarding allotment of land i. e. page No. 90 in Writ Petition No. 2908 of 2014 and page No. 66 in Writ Petition No. 2105 of 2014. The further steps with regard to the allotment of land be taken accordingly and the said process be completed within a period of six (06) months from today. The petitioners shall apply, if, the petitioners are required to make an application as per law. The writ petitions are disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 18